DEVELOPMENT DEPARTMENT

Read
PB

G.O. No. 3531, 12th August 1952

Labour—Disputes—Disputes between the workers and the managements of Ramakanthi Talkies, Balaj Talkies, Central Talkies, Rupavani Talkies and New Chitra Talkies, Mangalore—Award of the Industrial Tribunal, Coimbatore—Published.

Supplement at p4 of the
Supple. to Part I-A No. 33
of T.S.G. Gazette of 20/8/52

DEVELOPMENT DEPARTMENT

G.O. No. 3531, 12th August 1952

Labour—Disputes—Disputes between the workers and the managements of Ramakanthi Talkies, Balaj Talkies, Central Talkies, Rupavani Talkies and New Chitra Talkies, Mangalore—Award of the Industrial Tribunal, Coimbatore—Published.

READ—the following papers :—

G.O. Ms. Nos. 989, 990, 991, 992 and 993 Development, dated 10th March 1952.

II

BEFORE THE INDUSTRIAL TRIBUNAL, COIMBATORE.

PRESENT :

SRI T. S. VISWANATHA AYYAR, B.A., M.L.

INDUSTRIAL DISPUTES NOS. 5, 6, 7, 8 AND 9 OF 1952.

[In the matter of the dispute between the workers and the managements of the Ramakanthi Talkies, Balaj Talkies, Central Talkies, Rupavani Talkies and New Chitra Talkies, Mangalore. (Vide G.O. Ms. Nos. 989, 990, 991, 992 and 993, Development, dated 10th March 1952.)]

Sri Sanjeevanath, Secretary, South Indian Cinema Employees' Association, Mangalore, and Sri Chandrasekhar, Treasurer, South Indian Cinema Employees' Association, Mangalore—*For the workers of the five Talkies.*

Sri Shivaji Rao, Proprietor, Balaj Talkies, Mangalore—*For the management of the Balaj Talkies, Mangalore.*

Sri Janardana Kamath, Proprietor, Central Talkies, Mangalore—*For the management of the Central Talkies, Mangalore.*

Sri Rama Rao, Proprietor, Ramakanthi Talkies, Mangalore—*For the management of the Ramakanthi Talkies, Mangalore.*

Sri Vittaldas Pai, Proprietor, Rupavani Talkies and New Chitra Talkies, Mangalore—*For the managements of the Rupavani Talkies and New Chitra Talkies, Mangalore.*

AWARD.

By G.O. Ms. Nos. 989, 990, 991, 992 and 993, Development, dated 10th March 1952, the Government of Madras have referred to me for adjudication certain disputes between the workers and the managements of Ramakanthi Talkies, Balaj Talkies, Central Talkies, Rupavani Talkies and New Chitra Talkies in Mangalore.

2. Five of the points of disputes set out in the Annexures are the same and they are:—

(1) Revision of basic pay.

(2) Fixation of dearness allowance.

(3) Bonus for the year 1950-51.

(4) Provident Fund.

(5) Gratuity.

3. In I.D. No. 5 of 1952 relating to Ramakanthi Talkies, Mangalore, there is a sixth point of dispute, namely, whether the dismissal of the employee Sri Soans is justified.

4. After notices issued in the usual course, statements of demands and written statements were filed.

5. The dispute relating to the dismissal of the employee Sri Soans in Ramakanthi Talkies (I.D. No. 5 of 1952) was compromised between the parties on 12th May 1952 and my predecessor passed an award which has been duly published in the *Fort St. George Gazette*, Madras.

6. The other five points of disputes which are common in all the cases were settled between the parties, and they filed a joint memorandum of agreement to-day. I considered the terms of that compromise to be fair, reasonable and proper. On that basis I recorded that compromise.

That compromise provides:—

"(1) *Dearness allowance.*—That every worker is to be paid dearness allowance at the flat rate of Rs. 27-8-0 per month.

(2) *Basic pay.*—That the scales of pay for the workers shall be as follows:—

Chief operator—Rs. 70—2—90.
Assistant operators—Rs. 65—2—85.
Chief Booking clerk—Rs. 42½—1½—57½.
Other Booking clerks—Rs. 35—1—45.
Door keepers or ticket collectors (first class)—Rs. 40—1—50.
Door keepers or ticket collectors (others)—Rs. 30—1—45.
Watchmen—Rs. 26—1—41.
Scavangers and sweepers—Rs. 25—2—35.

No provision has been made for apprentices, as there is no apprentice who is now a member of the union.

If any worker is now drawing an amount which is in excess of the maximum scale of pay for his appointment plus dearness allowance of Rs. 27-8-0 per month, he will continue to draw what he is now drawing.

(3) *Provident Fund.*—The question of Provident Fund is by consent left open pending clarification of the position by the Government of India and Labour Appellate Tribunal.

(4) *Bonus.*—In I.D. Nos. 5, 6, 8 and 9 the workers will be given a bonus of one month basic wages as on 31st March 1951 for the year 1950-51.

(5) *Gratuity.*—Workers who have put in more than 4 years of service, will get half a month's salary as gratuity for every year of service. They will not get gratuity, if they are convicted by a Criminal Court for offences involving moral turpitude.

(6) *Effect.*—This is to come into effect from 1st April 1952.

(7) *Costs.*—The parties will bear their respective costs.

(8) The above compromise may kindly be recorded and an award passed in terms thereof."

8. As the Central Talkies, Mangalore, have already paid one month's bonus to workers, provision was made in the above compromise only to payment of one month's bonus by the other four Talkies.

9. The sums of money made payable by the abovesaid compromise will be paid by the managements concerned within one month of the publication of this award in the *Fort St. George Gazette*, Madras.

10. It was conceded that no manager, assistant manager, engine driver or electrician is member of the South Indian Cinema Employees' Association, Mangalore, and therefore no provision need be made for them.

11. There will be an award in terms of the compromise set out above.

Dated at Mangalore, this 25th day of July 1952.

T. S. VISWANATHA AYYAR,
Industrial Tribunal, Coimbatore.

Order—No. 3531, Development, dated 12th August 1952.

Whereas the award of the Industrial Tribunal, Coimbatore, in respect of the industrial disputes between the workers and the managements of Ramakanthi Talkies, Balaj Talkies, Central Talkies, Rupavani Talkies and New Chitra Talkies, Mangalore, has been received;

Now, therefore, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Governor of Madras directs that the award be published in the *Fort St. George Gazette*.

(By order of the Governor)

J. M. LOBO PRABHU,
Secretary to Government.

To the Commissioner of Labour, Madras (20 copies).
" Industrial Tribunal, Block No. XVI, Fort St. George, Madras.
" Industrial Tribunal, Coimbatore.
" Industrial Tribunal, Shenoynagar, Madurai.
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" Chief Secretary, Patiala and East Punjab States Union Government, Patiala (2 copies).
" Principal Secretary, Government of Jammu and Kashmir, Srinagar (3 copies).
" Registrar, Labour Appellate Tribunal, No. 20/1, Gurusadai Road, Calcutta.

To Sri R. Venkatraman, M.A., B.L., No. 1/174, High Road, Royapetta, Madras.
" the Regional Labour Commissioner (Central), First Floor, Flat No. 12, Khaleeli Mansions, Mount Road, Madras.
" the Director-General, International Labour Organization, Geneva.
" the Regional Director of Re-settlement and Employment, Cathedral P.O., Madras.
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" the General Secretary, Indian National Trade Union Congress, 17, Queensway, New Delhi.
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" Management of Ramakanthi Talkies, Mangalore.
" Management of Balaj Talkies, Mangalore.
" Management of Central Talkies, Mangalore.
" Management of Rupavani Talkies, Mangalore.
" Management of New Chitra Talkies, Mangalore.
" the Secretary, South Indian Cinema Employees' Association, Felix Pai Bazaar, Mangalore.

Forwarded to the

(By order)

Superintendent.

From
Sri T.S.Viswanatha Iyer. B.A.,M.L.,
Industrial Tribunal,
Coimbatore.

To
The Secretary to Government,
Development Department,
Fort St. George,
Madras.

I.D. Nos.5,6,7,8 and 9 of 1952 dated 26th July, 1952.

Sir,

Sub: LABOUR - Disputes - Dispute between the workers and the managements of the Ramakanthi Talkies, Bal-- Talkies, Central Talkies, Rupavani Talkies and New Chitra Talkies in Mangalore.

Ref: G. O. Ms. Nos. 989, 990, 991, 992 and 993 Development Department dated 10- 3- 1952.

I have the honour to submit herewith my award in duplicate in the above disputes.

Industrial Tribunal.
Coimbatore.

MSH/-

BEFORE THE INDUSTRIAL TRIBUNAL, COIMBATORE.

Present: Sri T.S.Viswanatha Iyer, B.A.,M.L.

Industrial Disputes Nos. 5, 6, 7, 8 and 9 of 1952.

In the matter of the dispute between the workers and the managements of the Ramakanthi Talkies, Balaj Talkies, Central Talkies, Rupavani Talkies and New Chitra Talkies, Mangalore.

(Vide G. O. Ms. No. 989, 990, 991, 992 and 993, Development Department dated 10- 3- 1952)

Sri Sanjeevanath, Secretary, South Indian Cinema Employee's Association, Mangalore. and Sri Chandrasekhar, Treasurer, South Indian Cinema Employees Association, Mangalore.	For the workers of the five Talkies.
Sri Shivaji Rao, Proprietor, Balaj Talkies, Mangalore.	For the management of the Balaj Talkies, Mangalore.
Sri Janardana Kamath, Proprietor, Central Talkies, Mangalore.	For the management of the Central Talkies, Mangalore.
Sri Rama Rao, Proprietor, Ramakanthi Talkies, Mangalore.	For the management of the Ramakanthi Talkies, Mangalore.
Sri Vittaldas Pai, Proprietor, Rupavani Talkies and New Chitra Talkies, Mangalore.	For the managements of the Rupavani Talkies and New Chitra Talkies, Mangalore.

AWARD.

By G. O. Ms. Nos. 989, 990, 991, 992 and 993 Development Department dated 10-3-1952, the Government of Madras have referred to me for adjudication certain disputes between the workers and the managements of Ramakanthi Talkies, Balaj Talkies, Central Talkies, Rupavani Talkies and New Chitra Talkies in Mangalore.

2. Five of the points of disputes set out in the Annexures are the same and they are:

(1) Revision of basic pay.

(2) Fixation of dearness allowance.

(3) Bonus for the year 1950-51.

(4) Provident Fund

(5) Gratuity.

3. In I. D. 5 of 1952 relating to Ramakanthi Talkies, Mangalore there is a sixth point of dispute, namely, Whether the dismissal of the employee Sri Soansis justified?

4/6

4. After notices issued in the usual course, statements of demands and written statements were filed.

5. The dispute relating to the dismissal of the employee Sri Soans in Ramakanthi Talkies (I.D.5 of 52) was compromised between the parties on 12th May 1952 and my predecessor passed an Award which has been duly published in the Fort St. George Gazette, Madras.

I.D. 23:2
30.6.52 at (K)

6. The other five points of disputes which are common in all the cases were settled between the parties, and they filed a joint memorandum of agreement to-day. I considered the terms of that compromise to be fair, reasonable and proper. On that basis, I recorded that compromise.

7. That compromise provides:

"

1. Dearness Allowance: That every worker is to be paid dearness allowance at the flat rate of Rs.27-8-0 per month.

2. Basic pay: That the scales of pay for the workers shall be as follows:-

Chief Operator	Rs.	70	-	2	- 90
Assistant operators	Rs.	65	-	2	- 85
Chief Booking clerk	Rs.	42½	-	1½	- 57½
Other Booking clerks	Rs.	35	-	1	- 45
Door keepers or Ticket collectors(First class)	Rs.	40	-	1	- 50
-do- (others)	Rs.	30	-	1	- 45
Watchmen	Rs.	26	-	1	- 41
Scavengers & Sweepers	Rs.	25	-	2	- 35

No provision has been made for aprentices, as there is no aprentice who is now a member of the union.

If any worker is now drawing an amount which is in excess of the maximum scale of pay for his appointment plus dearness allowance of Rs.27-8-0 per month, he will continue to draw what he is now drawing.

3. Provident Fund: The question of Provident Fund is by consent left open pending clarification of the position by the Government of India and Labour Appellate Tribunal.

4. Bonus: In I. D. Nos. 5, 6, 8 and 9 the workers will be given a bonus of one month basic wages as on 31-3-1951 for the year 1950-51.

5. Gratuity: Workers who have put in more than 4 years of service, will get half a month's salary as gratuity for every year of service. They will not get gratuity, if they are convicted by a Criminal Court for offences involving moral turpitude.

6. Effect:- This is to come into effect from 1- 4- 1952.

7. Costs: The parties will bear their respective costs.

8. The above compromise may kindly be recorded and an Award passed in terms thereof."

8. As the Central Talkies, Mangalore have already paid one month's bonus to workers, provision was made in the above compromise only to payment of one month's bonus by the other four Talkies.

9. The sums of money made payable by the above said compromise will be paid by the managements concerned within one month of th publication of this award in the Fort St. George Gazette, Madras.

10. It was conceded that no manager, assistant manager, engine driver or electrician is member of the South Indian Cinema Employees Association, Mangalore, and therefore no provision need be made for them.

11. There will be an award in terms of the compromise set out above.

Dated at Mangalore this 25th day of July 1952.

MSH/-

Industrial Tribunal,
Coimbatore.

Draft I.

GOVERNMENT OF MADRAS.
ABSTRACT.

9

LABOUR - Disputes - Disputes between the workers and the managements of Ramakanthi Talkies, Balaj Talkies, Central Talkies, Ruparani Talkies and New ~~Chitra~~ Chitra Talkies, Mangalore - Award of the Industrial Tribunal, Coimbatore - Published.

Development Department.

G.O.Ms.No 3531 Dated. 12-8-52

(Q). (B). LD (Q) 991, 992 and 993 Read the following:-

G.O.Ms.Nos. 989, 990, Development, dated. 10-3-52.

ORDER:

f3-54 Whereas the award of the Industrial Tribunal, ~~Madras~~ Coimbatore, in respect of the industrial disputes between the workers and the managements of Ramakanthi Talkies, Balaj Talkies, Central Talkies, Ruparani Talkies and New Chitra Talkies, Mangalore, has been received;

Now, therefore, in excercise of the powers conferred by section 17 of the Industrial Disputes, Act, 1947 (Central Act XIV of 1947), ~~His Excelloney~~ the Governor of Madras directs that the award be published in the Fort St.George, Gazette.

4852 / B / 1852

12828

Secretary to Government.

To the ~~Superintendent, Government Press, for publication.~~
Commissioner of Labour, Madras (20 copies)
Industrial Tribunal, ~~II~~, Block No.XVI, Fort St.George, Madras.
Industrial Tribunal, Coimbatore.
Industrial Tribunal, Shenoyanagar, Mathurai.
Industrial Tribunal, Vijayavada ~~at Guntur.~~
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Secretary to the Government of Bihar, Labour Department, Patna.
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Commissioner of Labour, West Bengal, Calcutta.
Labour Commissioner, Uttar Pradesh, Post Box No.220, Kanpur.
Industrial Tribunal, Punjab, Bhandrath Road, Jullandur city.

Draft 13/11/52

p.t.o.

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Principal Secretary, Government of Jammu and Kashmir, Srinigar (3 copies).
Registrar, Labour Appellate Tribunal, No.20/1 Gurusaddi Road, ~~Kaxxx~~, Calcutta.
Sri R.Venkatraman, M.A., B.L.,1/174 High Road, Royapetta, Madras.
Regional Labour Commissioner (Central) First Floor, Flat No.12, Khaleeli Mansions, Mount Road, Madras.
Director-General, International Labour Organisation, Geneva.
Regional Director of Resettlement and Employment, Cathedral P.O., Madras.
Chief Commissioner, Kutch, Bhuj
Chief Commissioner, Bhopal, Bhopal
Chief Commissioner, Bilaspur (Simla Hills)
Chief Commissioner, VindhyaPradesh, Reva
Chief Commissioner, Manipur Imphal
Chief Commissioner, Tripura, Agartala
Chief Commissioner, Himachal Pradesh, Simla
} 3 copies
Collector of South Kanara
~~the Management of~~
~~Secretary~~,
General Secretary, Indian National Trade Union Congress, 17 Queensway, New Delhi.
Deputy Registrar, Labour Appellate Tribunal, City Ice Buildings, No.298 Bazaar Gate Street, Fort, Bombay (3 copies).

Ditto
13/11/52

The Management of Ramakanthi Talkies, Mangalore
" Balaj Talkies, Mangalore.
" Central Talkies, Mangalore
" Ruparani Talkies, Mangalore
" New Chitra Talkies, Mangalore.

The Secretary, South Indian Cinema Employees Association, Felix Pai Bazaar, Mangalore.

P.T.O for Draft I

Draft II.

Dev Dept II

Memo. NW. 85251. PI/52-1 dated 12.8.82

Sub:— Labour – Disputes – Certain cinema talkies in Mangalore – Award – Publication

Ref:- G.O. Ms. no. 353 Dev. dated 12.8.82

Draft I above

The S.G.P. is requested to publish the G.O. cited together with the award in the F.S.G. Gazette dated 20.8.82 and to send to this Dept. immediately thereafter 60 signature copies and 90 spare copies thereof. The G.O. should contain address entries also.

To / ಅಧೀನ ಇಲಾಖೆ
The S.G.P.

4.8.82
7.8.82

BALAJI TALKIES

BALAJI BUILDINGS
EXHIBITORS.

13

Proprietor
K. SHIVAJI RAO.

MANGALORE,

Date 5-10-1952.

HON'BLE MINISTER FOR INDUSTRIES AND LABOUR
11 OCT 1952

Secy Dev 119875
Pl. put up
1952

To

The Hon'ble Minister for Labour,
Government of Madras,
Fort St. George, Madras.

Sir,

Humble Memorial of Proprietor of Balaji Talkies, Mangalore.

G.O. nos 1 & 2 p. (Award)

In G.O.No.MS 3532 (353) Development dated 12th August 1952 the Government in exercise of the powers conferred by section 17 of the Industrial Disputes Act 1947 directs that the Award be - published in the Fort St. George Gazette. This award purports to be passed in Mangalore under date 25-7-1952. Therein the Industrial Disputes Nos. 5,6,7,8 and 9 of 1952 in the matter of workers and management of Ramakanthi Talkies, Balaji Talkies, Central Talkies, Rupavani and New Chitra Talkies, Mangalore would appear to have - been concluded by an agreement. Among the persons said to be present first is the name of Sanjivanath, Secretary and Chandra-Shekar, Treasurer of the South Indian Cinema Employees Association, Mangalore. The Second purports to be that of Sri Shivaji Rao, Proprietor, Balaji Talkies and the third is Janardhan Kamath, proprietor Central Talkies and 4th is proprietor, Ramakanthi Talkies Mangalore and the 5th is K.Vittaldas Pai, Proprietor Rupavani and New Chitra Talkies. All these theatres are in Mangalore.

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On inquiring into the matter and on seeing the G.O. it is learnt that the arbitrators declined or refused to or at any rate did not look into the accounts relating to the various theatres. In this business of Cinema one is likely to think that it is a very properous one and that the prosperity is spread over in the whole state. In other words every Cinema theatre is supposed to be yielding very good profits. On that basis certain conclusions are drawn and sought to be enforced. If the primary basis or the - basic facts adopted are not correct the whole structure or the inferences drawn therefrom cannot be sustained. It does not require any great person to say that if during the last few years at the relevant period the earnings cannot justify this payment no person can agree or would agree to the terms now proposed. All the workers of the aforesaid Balaji - talkies after a full discussion amongst themselves, agreed and have executed an agreement., A copy of which is enclosed herewith. The workers are willing to abide by the same. The Cinema trade in the whole of Mangalore in the immediate past and at present and also for some time in the near future is not likely to have any bright future. An independent - inquiry by an Officer of the Government will reveal it. Independently of this approach there are two tests which can be relied upon with certainty to have a fairly correct

p.5-7 below

picture. First is the entertainment tax collection. It is done with inexorable rigidity. Then again there is the Income tax department. Incidentally a reference may be made also to the circumstance that one of the companies is a limited liability company. A balance-sheet of the same will disclose how the affairs stand. It has to be remembered that it is one of the most favoured theatres in the city. If that is the revenue the particularly favoured theatre is reaping what will be the fate of other theatres less favourably situated and cont attracting less favour from the Cinema going public can very well be imagined. The memorialist suggests that the District Collector or any other officer may be entrusted with the work of revieving the whole matter if the government deems fit.

From what is mentioned above it may be clear that the agreement as such is not valid and binding on the memorialist and there are various other defects in the procedure followed, the nature of the inquiry held and signing of the so called compromise. The G.O. published is also not quite in accordance with law. Yet the memorialist being a person who has always been a loyal citizen of the country desires to approach the government with this memorial.

16

The memorialist will very much appreciate and be grateful if proper relief should be granted to him. Other wise the only course left to the Proprietor will be to close the theatre and/or try to avoid the rigour of any application of law by resisting the same. As to which course the memorialist will be driven depends upon the discretion of the Government and which discretion may kindly be exercised in favour of the memorialist.

41/12"

The memorialist further humbly prays that the Hon'ble Minister be pleased to pay an early visit to this District and appraise himself of the situation prevailing in the Cinema Industry and the predicament of the memorialist in particular. On that occasion the memorialist begs to submit the detailed memorandum touching the matter in question.

Mangalore,
5-10-1952

Please
11 UM

Dev. Dept

Endt. no. 11987 PI/52-1 dated 4.11.52

Referred to the C.L. for remarks.

The copy of agreement referred to in the memorial is enclosed for reference and return.

7.11.52
7.11.52

To the CL

ER II issued on 3.2.53 N.Rr. 18.2.53

ER issued on 25.12.52 N.Rr 9.1.53

18/V (with copy of Pp. 1-4 ants and Pp. 5-8 below in original)

Proceedings of the Employer and the Employees of the Cinema Theatre run under the style of BALAJI TALKIES, Mangalore South Kanara.

There was a reference to the Industrial Tribunal made by the Government at the instance of some employees employed in the trade. The reference included the employer and the employees. There has not been any keen dispute at the instance of the employees of this theatre.

An award has been passed and accepted by the Government and published in the Fort St. George Gazette. The employer wanted to take up the matter in appeal on various grounds.

Cinema trade is at present and for some time in the immediate past been passing through a severe depression. Films which should normally attract large crowds have failed to do so. Much advertised films which have been a roaring success in other places have not been successful and have on the other hand precipitously fallen flat. To cite but one instance , "AAN" a lavishly spent and elaborately prepared picture which found favour with the audience in various parts in the Indian Union

P.T.O.

as well as outside has not been able to attract the expected crowds. While it was scheduled to run for 6 weeks on the 10th day onwards it has laid flat. There are very many similar instances in this theatre as well as in other theatres. The load of the wages that is now directed to be paid under the award is unbearable. The employers will not find it possible to pay. So, as a result of this incongruous situation both employer and the employees have sat across the table and discussed and arrived at the following terms which they will abide by. The employer is also authorised if he finds it necessary to forward a copy to the Government for the information of the Government. The employer is also intimated that in as much as there is no period fixed in the award it can be operated only for 6 months and has intimated that after expiration of two months from to-day his intention to terminate the award. This position taken up by the employer necessarily restricts the operative period to 6 months. Hence, all parties have made a general review of the situation and with special attention the prevailing circumstances this arrangement is arrived at and will be in force till it is superceded in a proper manner.

Terms of arrangement arrived at:-

S.No.	Name & Designation.	Agreed salary as per terms.	Signature.
1.	George Williams. Chief Operator.	Rs. 110/-.	George Williams
2.	Prabhakar Gadiara. Asst. -do-	Rs. 80/-	
3.	P. Krishna Moorthy. Clerk.	Rs. 80/-	Krishnamoorthy
4.	K. Sunder Mallya. B. Clerk.	Rs. 60/-	K.S. Mallya
5.	B. Devadas Shenoy. Painter.	Rs. 40/-	B. Devadas Shenoy
6.	Subraya Hegde. Door-keeper.	Rs. 45/-	M Subraya Hegde
7.	A. Rama. -do-	Rs. 45/-.	
8.	Balakrishna. -do-	Rs. 40/-	
9.	Pakeera Poojary. Cart Driver.	Rs. 45/-.	
10.	H. Babu. Sweeper.	Rs. 40/-.	L.H.T. 2.7 H. Babu

2. The employer has agreed to give a bonus of one months salary for the period ending 31-3-1952 and the bonus accepted by the employer

P.T.O.

has been received by all the employees on the 18th day of September 1952. The seperate stamped receipts have been obtained from the employees for payment of bonus.

MANGALORE, South Kanara,
Dated: 18--9--1952.

Proprietor.
BALAJI TALKIES.
MANGALORE, S.Kanara.

121968

From:

The Proprietor,
Ramakanthi Talkies,
Mangalore, South Kanara.

HON'BLE MINISTER FOR INDUSTRIES AND LABOUR
11 OCT 1952

To

Hon'ble Minister for Labour,
Government of Madras,
Fort St. George, Madras.

Sir,

Humble Memorial of Proprietor of Rama Kanthi Talkies, Mangalore.

In G.O.No. MS 3531 Development dated 12th August 1952 the Government in exercise of the powers conferred by section 17 of the Industrial Disputes Act 1947 directs that the Award be published in the Fort St. George Gazette. This award purports to be passed in Mangalore under date 25-7-1952. There in the - Industrial Disputes Nos. 5,6,7, 8 and 9 of 1952 in the matter of workers and management of Ramakanthi Talkies, Balaji Talkies, Central Talkies, Rupavani and New Chitra Talkies, Mangalore would appear to have been concluded by an agreement. Among the persons said to be present first is the name of Sanjivanath, Secretary and Chandrashekar, Treasurer of the South Indian Cinema Employees Association, Mangalore. The second purports to be that of Sri Shivaji Rao, Proprietor Balaji Talkies and the third is Janardhan Kamath, Proprietor, Central Talkies and 4th is Proprietor, Ramakanthi Talkies Mangalore and the 5th is K.Vittaldas Pai, Proprietor Rupavani and New Chitra Talkies. All these theatres are in Mangalore.

In the first place it has to be noted that the mentioning of the name of the proprietor of Rama Kanthi as Rama Rao is perfectly correct. But Rama Rao was not - present and has not signed any compromise or agreement whatsoever. Rama Rao was not even in Mangalore on the date nor did he delegate his powers to anybody nor authorised anybody to - sign on behalf of himself.

On inquiring into the matter and on seeing the G.O. it is learnt that the arbitrator declined or refused to or at any rate did not look into the accounts relating to - the various theatres. In this business of Cinema one is likely to think that it is a very prosperous one and that the prosperity is spread over in the whole state. In other words every Cinema theatre is supposed to be yielding very good profits. On that basis certain conclusions are drawn and sought to be enforced. If the primary basis or the basic facts adopted are not correct the whole structure or the inferences drawn therefrom cannot be sustained. For instance the memorialist submits, the balance-sheet of the working for the last 2 years or 2½ years may be - considered. They are enclosed as enclosures A, B and C. They correctly and accurately reflect theearnings and expenditure. A reference to the same will go to show that the burden imposed under the terms of the so called agreement or under the terms of the said award cannot be sustained, and the business will have to be closed down if these terms are to be adhered to. It does not require any great person to say that if during the - period of 2½ years at the relevant moment the earnings cannot justify this payment no person can agree or would agree to the

terms now proposed. For the year ending 31-3-1952 there is a net loss of Rs.5599-15-8. The matter was also - placed before the workers and copy of the proceedings drawn up is enclosed for reference. There are two workers who have orally agreed to but have not signed the proceedings. Memorialist takes it that they have not consented and they do not propose to consent. The Cinema trade in the whole of Mangalore in the immediate past and at present and also for some time in the near future is not likely to have any bright future. An independent inquiry by an Officer of the Government will reveal it. Independently of this approach there are two tests which can be relied upon with certainty to have a fairly correct picture. First is the entertainment tax collection. It is done with inexorable rigidity. Then again there is the Income-tax department. Incidentally a reference may be made also to the circumstance that one of the - companies is a limited liability company. A balance-sheet of the same will disclose how the affairs stand. It has to be remembered that it is one of the most favoured theatres in the city. If that is the revenue the - particularly favoured theatre is reaping what will be the fate of other theatres less favourably situated and attracting less favour from the Cinema going public can very well be imagined. The memorialist suggests that the District Collector or any other Officer may be entrusted with the work of reviewing the whole matter if the government deems fit.

From what is mentioned above it may be clear that the agreement as such is not valid and binding on the - memorialist and there are various other defects in the procedure followed, the nature of the inquiry held and signing of the so- called compromise. The G.O. published is also not quite in accordance with law. Yet the memorialist - being a person who has always been a loyal citizen of the country desires to approach the government with this - memorial.

The memorialist will very much appreciate and be grateful if proper relief should be granted to him. otherwise the only course left to the proprietor will be to close the theatre and/or try to avoid the rigour of any application of law by resisting the same. As to which - course the memorialist will be driven depends upon the discretion of the government and which discretion may kindly be exercised in favour of the memorialist.

The memorialist ~~therefore~~ further humbly prays that the Hon'ble Minister be pleased to pay an early visit to this - District and appraise himself of the situation prevailing in the Cinema Industry and the predicament of the memorialist in particular. On that occasion the memorialist begs to submit the detailed memorandum touching the matter in - question.

Mangalore
5-10-1952.

Chavalias

Dev. Dept.

To the C.L. The enclosures should be returned along with the reply
(with copy of pp. 1-4 ant and pp. 5-16 below in original.)

Proceedings of the Employer and the Employees of the Cinema Theatre run under the style of RAMAKANTHI TALKIES, Mangalore, south kanara.

There was a reference to the Industrial Tribunal made by the Government at the instance of some employees employed in the trade. The reference included the employer and the employees. There has not been any keen dispute at the instance of the employees of this theatre.

An award has been passed and accepted by the Government and published in the Fort St. George Gazette. The employer wanted to take up the matter in appeal on various grounds.

Cinema trade is at present and for some time in the immediate past being passing through a severe depression. Films which should normally attract large crowds have failed to do so. Much advertised films which have been a roaring success in other places have not been successful and have on the other hand precipitously fallen flat. To cite but one instance, "KING SOLOMON'S MINES", a lavishly spent and claborately prepared picture which found favour with the audi-

P.T.O.

ence in various parts in the Indian Union as well as outside has not been able to attract the expected crowds. While it was scheduled to run for 2 weeks, on the 6th day onwards it has laid flat. There are very many similar instances in this theatre as well as in other theatres. The load of the wages that is now directed to be paid under the award is unbearable. The employers will not find it possible to pay. So, as a result of this incongruous situation both employer and the employees have sat across the table and discussed and arrived at the following terms which they will abide by. The employer is also authorised, if he finds it necessary, to forward a copy to the Government for the information of the Government. The employer is also intimated that in as much as there is no period fixed in the award, it can be operated only for 6 monthsand has intimated that after expiration of two months from to-day his intention to terminate the award. This position taken up by the employer necessarily restricts the operative period to 6 months. Hence all parties have made a general review of the situation and with special attention the prevailing circumstances this arrangement is arrived at and will be in force till it is superceded in a proper manner.

Terms of arrangement arrived at:-

S.No.	Name & designation.		Agreed salary as per terms.	Signature.
1.	A. Krishna Pillai.	Chief Operator.	Rs.110/-	A Pillai
2.	Jaya Karkera.	Asst. -do-	Rs. 50/-	Jaya Karkera.
3.	V. Laxmana Rao.	B. Clerk.	Rs. 50/-	V Rao.
4.	V. Jagannath Rao.	-do-	Rs. 50/-	V.V.Rao.
5.	S. Menezes.	-do-	Rs. 40/-	
6.	Kanthappa Shetty.	Door-Keeper.	Rs. 55/-	
7.	N. Bhimachar.	-do-	Rs. 45/-	N. Bhimachar
8.	M. Gopalkrishna.	-do-	Rs. 45/-	
9.	K. Dasappa.	Cart-driver.	Rs. 40/-	K, Dasappa
10.	Sunder.	Office-boy.	Rs. 30/-	
11.	B.Devadas Shenoy.	Painter.	Rs. 40/-	B. Devadas Shenoy
12.	M.Chandamiya Saheb.	Door-keeper.	Rs. 40/-	M. Chandamiya

2) 15

2. The employer has agreed to give a bonus of one month's salary for the period ending 31-3-1952 and the bonus accepted by the employer has been received by all the employees on the 18th day of September 1952. The seperate stamped receipts have been obtained from the employees for payment of bonus.

Ramaiah

Proprietor.
Ramakanthi Talkies,
MANGALORE, S.K.

Mangaloro, S.K.
Dated:18-9-1952.

"A"

AKANTHI TALKIES, MANGALORE, SOUTH KANARA.

BALANCE SHEET AS ON 31st MARCH 1951.

S.No.	Head of a/cs.	Assets.	Liabilities.
1.	Capital a/c.(Less:Loss).		16,002-13- 3.
2.	Fans a/c.	3,564- 0- 0.	
3.	Typewriter a/c.	888-10- 0.	
4.	Double Projector a/c.	33,136- 6- 0.	
6.	Furniture a/c.	4,114- 5- 0.	
6.	K. V. Rao's (Loan) a/c.		63,000- 0- 0.
7.	Deposit a/c.:Mangalore Electric Supply Co., Ltd.	500- 0- 0.	
8.	M. R. Bhkatha.		1,000- 0- 0.
9.	A.C.T.O. Mangalore:Deposit.	200- 0- 0.	
10.	Padaki Pictures Circuit.	150- 0- 0.	
11.	Meera Film Exchange.	100- 0- 0.	
12.	L. S. Iyer.	200- 0- 0.	
13.	Theatre Building Construction.	60,642- 3- 0.	
14.	Sreenivas Pictures Circuit.		505- 3- 6.
15.	Gemini Pictures Circuit, Ltd.		0-10- 6.
16.	Liberty Pictures.		0-10- 0.
17.	Manshuklal & Co.		127- 8- 0.
18.	RKO Radio Pictures, Ltd.		5- 0- 0.
19.	Ajantha Pictures.	476- 1- 4.	
20.	Universal Pictures India,Ltd.		0- 1- 3.
21.	Radhakrishna Films.		36- 0- 4.
22.	Jayanth Pictures.	0- 3- 0.	
23.	Ashoka Pictures.	298- 8- 0.	
24.	R.V. Pictures.	93-12- 0.	
25.	Chlachitra Pictures.	60- 8- 0.	
26.	General Film Distg. Co.		4-10- 0.
27.	Nandi Pictures Circuit.		2-10- 0.
28.	Western India Theatres, Ltd.		4- 8- 0.
29.	K. Shivaji Rao's a/c.		27,000- 0- 0.
30.	Cash on Hand.	3,265- 2- 6.	
	Total. Rs.	1,07,689-10-10.	1,07,689-10-10.

RAMAKANTHI TALKIES.

PROPRIETOR.

/True Extract/

Mangalore, S.K.
D: 25th Sept.,1952.

RAMAKANTHI TALKIES, MANGALORE, SOUTH KANARA.

PROFIT AND LOSS ACCOUNT FOR THE YEAR ENDING 31st MARCH 1951.

S.No.	Particulars.	Profit	Loss.
1.	By Ticket Sales.	1,11,655- 5- 6.	
2.	To Entertainment Tax paid.		23,665- 2- 9.
3.	Profession Tax a/c.		100- 0- 0.
4.	Carts & Sundry Materials a/c.		1,704- 4- 0.
5.	Railway Freight a/c.		966- 4- 3.
6.	Sundry a/c.		1,257-10- 0.
7.	Advertisement a/c.		1,177- 8- 3.
8.	Freight & Forwarding a/c.		253- 2- 9.
9.	Stationery a/c.		232-10- 3.
10.	Trade Charges a/c.		961- 8- 6.
11.	Representative Charges a/c.		1,473- 4- 0.
12.	Film Rent & Publicities a/c.		5,073- 4- 9.
13.	Painting a/c.		689- 6- 0.
14.	Electric Mat. & Energy Bill a/c.		4,938-10- 6.
15.	Machinaery Parts & Repairs a/c.		2,693- 2- 0.
16.	Oils and Lubricants a/c.		203- 9- 0.
17.	Postage & Telegrams a/c.		207- 0- 0.
18.	Printing & Press Pub. a/c.		1,071-12- 0.
19.	Interest on loan a/c.		5,792- 3-10.
20.	Carbons a/c.		3,002-11- 0.
21.	Film Distributors share a/c.		46,647- 4- 3.
22.	By Slide advertisement a/c.	827- 8- 0.	
23.	By Stall rent a/c.	723- 5- 4.	
24.	To Salaries a/c.		6,210-13- 2.
25.	License Fee etc. a/c.		363-12- 0.
26.	Depreciation on Plant, Machinery, Building, etc.		11,518- 6- 4.
27.	NET LOSS Transferred to Capital.	6,997- 2- 9.	
	Total. Rs.	1,20,203- 5- 7.	1,20,203- 5- 7.

RAMAKANTHI TALKIES.

Proprietor.

/True Extract/

Mangalore, S.K.,
Dated 25th Sept.'52.

"B" RA'MAKANTHI TALKIES, MANGALORE, SOUTH KANARA.

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BALANCE SHEET AS ON 31st MARCH 1952.

S.No.	Particulars.	Liabilities.	Assets.
1.	Cash on hand.		1,434-14-11.
2.	Capital a/c:Opening:16,002-13- 3.		
	Less:Loss for the year5,599-15-8.		
	Total. 10,402-13- 7.		
	Proprietor's drawings.6,065- 0-0.	4,337-13- 7.	
3.	Furniture a/c.		4,222- 7- 3.
4.	Electric Fans a/c.		3,207- 9- 6.
5.	Double Projector a/c.		26,588- 1- 6.
6.	Typewriter a/c.		753- 3- 3.
7.	Theatre Building a/c.		58,578- 0- 0.
8.	Sri.K.Venkoji Rao(Loan)a/c.	63,000- 0- 0.	
9.	" K.Shivaji Rao(Loan) a/c.	27,000- 0- 0.	
10.	" Venkatappa Chettiar.	3,460- 0- 0.	
11.	M/S. Sreenivas Pictures Circuit.	695- 0- 0.	
12.	" Warner Bros., Madras.		150- 0- 0.
13.	" Paramount Films of India, Ltd.		14- 7- 6.
14.	" Ajanta Films Corporation.		445- 1- 4.
15.	" Vasant Pictures, Bangalore.		459- 0- 0.
16.	" RKO Radio Pictures, Ltd.,Madras.	84- 6- 6.	
17.	" Gemini Pictures Circuit,Ltd.		2- 6- 9.
18.	" Laxmi Film Co. Bangalore.	3- 0- 0.	
19.	" Liberty Pictures, Bangalore.		828- 6- 6.
20.	" Films Division, MADRAS.		10-14- 0.
21.	" Ashok Pictures, Bangalore.		296- 0- 0.
22.	" General Film Distg. Co.	28-10-11.	
23.	" Columbia Films of India, Ltd.		10-13- 0.
24.	" Rajshri Pictures, Ltd. Bangalore.		294- 6- 6.
25.	" J.Arthur Rank Film Distributors (India) Ltd., Madras.		12-11- 9.
26.	" Paramount Pictures, Bangalore.		100- 0- 0.
27.	" Jayanth Pictures, Bangalore.		100- 3- 0.
28.	" Zenith Movies, Bangalore.	0- 8- 9.	
29.	" Padakai Pictures Circuit,Mysore.		11- 6- 6.
30.	" R. V. Pictures, Bangalore.	199-11- 6.	
31.	" Goodwin Agencies.	0-15- 0.	
32.	" V.R.S.Narayana Rao,Bangalore.		1,000- 0- 0.
33.	" Nandi Pictures Circuit, -do-		27- 8- 1.
34.	" Metro-Goldwyn-Mayer India,Ltd.		2- 0- 0.
35.	" Mansuklal, Bangalore.	127- 8- 0.	
36.	" Radhakrishna Films.	36- 0- 4.	
37.	" Meera Films Exchange.		100- 0- 0.
38.	" L. S. Iyer.		200- 0- 0.
39.	" Modern Printing Press.	117-12- 3.	
40.	" Srinivas Printing Press.	518-10- 6.	
41.	" Mangalore Elec.Supply Co.Ltd.		500- 0- 0.
42.	" Assistant Commercial Tax Officer.		200- 0- 0.
43.	" Chalachitra.		60- 8- 0.
	Total. Rs.	99,610- 1- 4.	99,610- 1- 4.

RAMAKANTHI TALKIES.

PROPRIETOR.

/True Extract/.

MANGALORE, S.Kanara,
Dated: 25th Sept., 1952.

"B" RAMAKANTHI TALKIES, MANGALORE, SOUTH KANARA.

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PROFIT AND LOSS ACCOUNT FOR THE YEAR ENDING 31st MARCH 1952.

S.No.	Particulars.	Profit.	Loss.
1.	By Ticket Sales.	95,667-12- 6.	
2.	" Slide Exhibition Charges.	716- 0- 0.	
3.	" Stall Rent a/c.	630- 0- 0.	
4.	" Theatre Rent(Less:Expenses)-	592- 4- 0.	
5.	To Carts and Sundry Materials.		1,568- 0- 0.
6.	" Film Rent & Publicities.	954- 7- 8.	49,286-11-10.
7.	" Sundry Expenses.		512-13- 3.
8.	" Railway Freight & forwardings.		1,226- 7- 6.
9.	" Trade Charges (T.A. etc).		1,002- 7- 0.
10.	" Rates & Taxes (Less:refund).		922-13- 0.
11.	" Advertisement Charges.		2,648-13- 6.
12.	" Entertainment Tax a/c.		20,230- 8- 6.
13.	" Machinery Spare Parts, etc.		274- 8- 9.
14.	" Postage & Telegram Charges.		356- 1- 0.
15.	" Establishment Charges(Salary).		7,278- 8- 0.
16.	" Bank Commission.		24-12- 0.
17.	" Stationery a/c.		305- 5- 9.
18.	" Oils and Lubricants.		211-11- 6.
19.	" Representative Charges.		1,064-12- 0.
20.	" Electric Acc. & Energy Bills.		3,494- 0- 0.
21.	" Sundry Repairs.		159- 8- 0.
22.	" Carbons a/c.		1,232-14- 0.
23.	" Printing & Press Publications.		850- 8- 9.
24.	" Theatre Painting, etc.		700- 0- 0.
25.	" Interest on loans.		1,365- 1- 0.
26.	" DEPRECIATION on Furniture, Buildings, Machinery, etc.		9,444- 2- 6.
	Nett LOSS transferred to Capital a/c.	5,599-15- 8.	
	Total Rs.	1,04,160- 7-10.	1,04,160- 7-10.

/True Extract/

RAMAKANTHI TALKIES.

Proprietor.

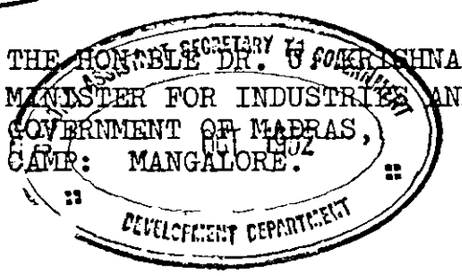
MANGALORE, S. Kanara,
D: 25th September 1952.

Seeyday
Pl. examine and put up
30/10/52

122885

TO

THE HON'BLE DR. U. KRISHNA RAO,
MINISTER FOR INDUSTRIES AND LABOUR,
GOVERNMENT OF MADRAS,
CAMP: MANGALORE.



SIR,

We, the undersigned Proprietors of the Cinema Theatres in Mangalore, seek your leave to present this Memorandum soliciting your sympathetic consideration and prompt and favourable orders on the various matters set out hereinafter:

1. Cinema Industry is well known all over the country. There are no film producers in the District nor are there any film distributors. There are six theatres in Mangalore viz., Jyothi Talkies Ltd., Central Talkies, Roopavani, New Chitra, Ramakanthi and Balaji Talkies.

2. One basic factor that rules and governs the situation is that there are few Canarese pictures that can be exhibited. English or Tamil or Telugu, Malayalam and Hindi pictures do not play the same role that an equally good Canarese picture can play. The inevitable consequence is that there is not the plentitude of (~~plenitude~~) patronage as one would expect in the corresponding linguistic places. Suffice to say that Cinema business is not a lucrative one in South Kanara and at any rate in Mangalore. This fact is established beyond any shadow of doubt. Enclosed are the various Statement of Accounts for a period of 12 months as shown in the respective Statement of Accounts.

ff 3—84 1. 1

3. Enclosure A relating to Jyothi Talkies Ltd., shows a total gross collection of Rs.109,235-1-3. Total expenses for the same period aggregate to Rs.1,22,243-14- 9. Hence the balance loss is Rs.13,008-13-6. Enclosure B relates to Roopavani Talkies. The gross income is Rs.93,823-15- 9. Total expenses for the same period aggregate to Rs.104,349- 2- 1. Hence the balance loss is Rs.10,525- 2- 4. Enclosure C relates to the figures for New Chitra Talkies. The gross income is Rs.88,953-11- 3. Total expenses for the same period aggregate to Rs.86,217- 9-10. Hence the balance profit is Rs.2,736- 1- 5. Enclosure D contains the particulars relating to Ramakanthi Talkies. The gross collection is Rs.98,560- 8- 2. Total expenses for the same period aggregate to Rs.104,160- 7-10. Hence the balance loss is Rs. 5,599-15- 8. Enclosure E gives the figures for Balaji Talkies. The gross collection is Rs.109,979- 7- 1. Total expenses for the same period aggregate to Rs.103,583- 9-7. Hence the balance profit is Rs.6,395-13- 6. Enclosure F pertains to the Central Talkies. The gross collection is Rs.127,735- 0- 0. Total expenses for the same period aggregate to 120,377- 0- 0. Hence the balance profit is Rs.7,358- 0- 0.

4. In connection with the above particulars it has to be borne in mind that New Chitra Talkies is worked in a rented building. The Central Talkies has been constructed on comparatively smaller outlay. The remaining theatres have been put up recently when the cost of construction has been high. In reckoning profits

or losses mentioned above, it may kindly be borne in mind that no return worth mentioning has been reckoned on the investment. Jyothi Talkies are owned by a Limited Liability Company. No dividend has been declared till now covering up a period of 5 or 6 years. On a proper casting of figures providing for a return of even 6 per cent on the capital investment made (which in very many cases been done by borrowing) it will be indisputably established that none of the theatres are earning any profits. Borrowings carry interest which will ultimately work havoc upon the investments made. In this state of affairs it definitely follows that working expenses are not capable of enhancement and, on the other hand, will definitely require to be maintained stationary or reduced the only alternative is to close down all or some of the theatres. While this is the true state of affairs, a reference was made by the Government to the Industrial Tribunal, and an Award has been pronounced and passed and embodied in G.O.M.S.No.3531, Development dated 12-8-1952. A copy thereof is produced herewith. It may look strange that the said Award should have been purported to be one that is passed by consent of parties. At this stage, and in this Memorial, we do not desire to enter into great details of vitiating circumstances which have resulted in the Award. Suffice it to say that the Award imposed greater financial burden. In order to present the whole picture at a glance a tabulated statement of the present working expenses as per Award

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and the percentage of increase and aggregate loss or financial burden that is imposed on account of the Award is also enclosed. The only alternative left to the Proprietors is to close down the theatres.

5. We also desire to mention that conditions prevailing in other bigger cities like Coimbatore, Trichinopoly, Madura, Salem, do not prevail here. The Presiding Officers of the Tribunal bearing in mind the matters prevailing there has taken on himself the definite conclusion (which is indisputably incorrect) that the business of Cinema Theatres yields profits permitting payment of salaries provided for under the Award. This is an unnatural and anamalous state of affairs. We can only look to the Government to redress this and to permit us or direct a way which will not ruin the trade and spell disaster to the theatres that have come into existence. We, therefore, appeal to the Hon'ble Minister to excuse us from enforcing the Award and at any rate prevent any enforcement of that in any Court of Law and much less by initiation of any Penal proceedings or Criminal action. In order to satisfy the Government, we are prepared to have a thorough scrutiny with regard to the figures mentioned above, and have the correctness thereof established. Beyond this, we cannot say anything.

6. Yet one more matter which we the Proprietors would desire is that the Hon'ble Minister may bestow his attention is that on Sunday Morning there is a Matinee performance which helps students and other people who

Extracts given to P II for separate action.

who find some time to relax. This in context with the enforcement of the Shop Assistants Act brings about a curious situation. Under the provisions of the Shop Assistants' Act, no worker will be made to work for more than 12 hours spread over per day. On Sundays when the matinee performance is also shown this is not possible of compliance. When similar condition prevail with regard to the Hotel Employees the Government have been placed to extend the spread over period from 12 to 14 hours per day. We would also earnestly appeal to the Government to excuse the undermentioned Cinema Proprietors from the operation of the Shop Assistant's Act with special reference to the spread over clause under the said Act on Sundays or in the alternative to extend the period of spread over from 12 to 14 hours, a day.

Extract given to P II for separate action.

Look into it

We are indeed grateful to you, Sir, for your kindness shown to us and granting us an interview despite multifarious and multitudious demands upon your precious time.

We seek only fair treatment. We will receive it.

Thanking you once again,

We remain,

Yours sincerely,

A. S Punja

For: The Karnataka Theatres Ltd.,

For: Central Talkies

For: Roopavani Talkies

MANGALORE)
)
16th October 1952)

For: New Chitra Talkies

For: Ramakanthi Talkies

For: Balaji Talkies

Enclosures:

pp 13 below — A. Statement of Accounts of The Karnataka Theatres Ltd.
pp 15–16 below — B. Do of Roopavani Talkies
pp 17–18 below — C. Do of New Chitra Talkies
pp 19–21 below — D. Do of Ramakanthi Talkies
pp 23–25 below — E. Do of Balaji Talkies
p 27 below — F. Do of Central Talkies.
pp 29–33 below — Award Passed by the Industrial Tribunal in G.O.M.S.3531 - Development dated 12-8-1952.

Dev Dept

Endt no: 122885 PI/52-1 dt. 11-11-52

Copy Referred to the C.L. with ~~enclosures in request for return and return~~ for remarks. The enclosures should be returned along with the reply.

To the C.L (with enc)
(with copy of pp 1–11 ante and pp 13–34 below in original)

Enclosure A.

JYOTHI TALKIES, MANGALORE.

PROFIT AND LOSS ACCOUNT FOR THE YEAR

Dr.

Expenditure				
To Film Rent and hire	Rs.	43,493	2	7
" Publicity charges		6,051	15	10
" Freight and forwarding charges		2,487	12	6
" Entertainment Tax and showtax		22,256	8	3
" Projection & Maintenance charges		4,793	9	7
" Electric current and lighting charges		3,971	5	9
" Trade commission for booking pictures		2,006	3	9
" Salaries		9,017	10	0
" Film representation charges		531	6	0
" Printing and stationery charges		1,522	9	3
" Licence fees		302	8	0
" Fire insurance premium		687	8	0
" Assesment, property tax and groundrent		1,323	9	0
" General charges		1,141	10	5
" Travelling expenses		840	0	0
" Bank charges		71	9	6
" Interest on loans and advances		11,086	14	10
" Directors sitting fees		167	0	0
" Postagesm telegrams and telephone calls		730	15	0
" Audit fee		300	0	0
" Managing agents office allowance		1,875	0	0
" Depreciation -				
On furniture and fittings		2,201	0	0
" electric fittings		1,012	8	0
" machinery		4,196	8	0
" sanitary fittings		175	0	0

Total Rs 1,22, 243=14= 9

Enclosure A

(The Karnataka Theatres, Ltd) MANGALORE.(Proprietors)

ENDING 31st M A R C H 1951.

CR.

I n c o m			
By gross collections	Rs	1,06,184	9 6
" slide advertisements		502	8 0
" stall and showcase rents		925	0 0
" Miscellaneous receipts		1,622	15 9
" Net loss for the year		13,008	13 6
To tal Rs		1, 22, 243=	14= 9

Total amount of salary and allowances per month if paid according to the Award -- -- Rs. 1,025.

Salary and allowances paid at present --- Rs. 575.
Extra to be paid per month --- Rs. 450.

Extra loss } Per year Rs. 5,400/-.

for The Karnataka Theatres Ltd.,
A. S. Punja
Manager.

Enclosure B.

RUPAVANI TALKIES, MANGALORE.

Profit & Loss Account for the year ending 31 March 1951.

	Rs.	As.	Ps.		Rs.	As.	Ps.
To Film Charges							
Film hire	49,727	1	5	By Ticket collections	90,938	5	9
" Publicity	3,783	1	2	" Slide advertisement	1,230	-	-
" Freight	2,297	5	9	" Miscellaneous recpts.	95	10	-
" Representative Batta & allowance	1,094	4	-	" Hostel Rent	1,560	-	-
" Projection charges				" Loss	10,525	2	4
" Light & Energy	4,363	1	-				
" Carbons	3,597	12	6				
" Office Expenses							
" Establishment charges	7,177	14	9				
" Interest	7,515	2	3				
" Rent a/c	3,180	-	-				
" Commission a/c	1,118	-	-				
" Car maintenance	1,053	1	3				
" Sundry expenses	1,039	-	6				
" Advertisement	926	14	6				
" Machinery upkeep	787	1	6				
" Telephone charges	758	15	-				
" [illegible]	707	8					

"	Postage & Telegrams	526	1	9
"	Law charges	330	-	-
"	Audit fee	200	-	-
"	Printing & Stationery	191	4	3
"	Bank charges	113	7	-
"	Charity	15	-	-
"	Depreciation	12,666	-	-
	Rs.	1,04,349	2	1

Rs. 1,04,349 2 1

Total Salary paid at present p.m. Rs 350-0-0

As per tea award per month = Rs 850-0-0

Extra per month = Rs 500-0-0

Extra required per year = Rs 6000-0-0

T. Wickremesinghe

Enclosure C.

41

NEW CHITHRA TALKIES, MANGALORE.

Profit and Loss Account for the year ending 3 1951.

	Rs.	a.	p.		Rs	a.	p.
To Film charges				By Ticket collecti	88,120	12	0
" Film Hire	47,314	-	3	" Slide advertise	480	8	-
" Publicities	7,653	2	6	" Rent of stall	200	-	-
" Freight charges	2,440	14	-	" Miscellaneous rcts	152	6	6
" Batta and allowance	1,081	14	9				
Projection charges.							
" Light and Energy	4,024	6	6				
" Carbons & Film cement	164	2	-				
Office Charges-							
" Establishment pay	7,441	7	9				
" Interest	4,541	9	3				
" Rent charges	3,000	-	-				
" Commission	1,775	-	-				
" Sundry repairs	1,414	8	3				
" Sundry charges	937	5	7				
" Printing & Stationary	443	6	6				
" Postages & Telegrams	395	9	-				
" Taxes	267	7	-				
" Machinery upkeep							

"	Audit fee	200	-	-
"	Car maintenance	187	8	-
"	Insurance	100	9	-
"	Bank charges	47	4	-
"	Law charges	41	-	-
"	Charity a/c	5	-	-
"	Depreciation	2,391	-	-
"	Net Profit	2,736	1	5
		Rs. 88,953	11	3

Rs. 88,953 11

Total salary paid at present per month = Rs 460-0-0
Total salary as per award per month = Rs 960-0-0
Extra required per month = Rs 500-0-0
Extra required per year = Rs 6000-0-0

Chitaldaca

Ramakanthi Talkies

Exhibitors 15th October 1952. Mangalore

1. Average Income per month after payment of Entertainment Tax.	Rs. 6,528- 0- 0.
2. Average Expenses per month.	Rs. 6,994- 0- 0.
Average Balance: LOSS:	Rs. 466- 0- 0.
3. Salary per month to be paid to the Employees as per the Award.	Rs. 725- 0- 0.
4. Salary as per the Agreement dated 18th September, 1952 to be paid per month.	Rs. 595- 0- 0.
Difference.	Rs. 130- 0- 0.

For RAMAKANTHI TALKIES.

Proprietor.

Enclosure D

RAMAKANTHI TALKIES, MANGALORE, SOUTH KANARA.

PROFIT AND LOSS ACCOUNT FOR THE YEAR ENDING 31st MARCH 1952.

S.No.	Account Head.	Profit.	Loss.
1.	By Ticket Sales.	95,667-12- 6.	
2.	" Slide Exhibition Charges.	716- 0- 0.	
3.	" Stall Rent a/c.	630- 0- 0.	
4.	" Theatre Rent (Less:Expenses).	592- 4- 0.	
5.	To Carts & Sundry Materials.		1,568- 0- 0.
6.	" Film Rent & Publicities.	954- 7- 8.	49,286-11-10.
7.	" Sundry Expenses.		512-13- 3.
8.	" Freight & Forwarding Charges.		1,226- 7- 6.
9.	" Trade Charges (T.A. Etc.).		1,002- 7- 0.
10.	" Rates & Taxes(less: Refund).		922-13- 0.
11.	" Advertisement Charges.		2,648-13- 6.
12.	" Entertainment Tax a/c.		20,230- 8- 6.
13.	" Machinery Spare Parts, etc.		274- 8- 9.
14.	" Postage & Telegram Charges.		356- 1- 0.
15.	" Salary a/c.		7,278- 8- 0.
16.	" Bank Commission.		24-12- 0.
17.	" Stationery A/c,		305- 5- 9.
18.	" Oils & Lubricants.		211-11- 6.
19.	" Representative Charges.		1,064-12- 0.
20.	" Electric Acc. & Energy Bill.		3,494- 0- 0.
21.	" Sundry Repairs a/c.		159- 8- 0.
22.	" Carbons a/c.		1,232-14- 0.
23.	" Printing & Press Pubs.		850- 8- 9.
24.	" Theatre Painting Etc.		700- 0- 0.
25.	" Interest on Loans.		1,365- 1-10.
26.	" DEPRECIATION ON Furniture, Buildings, Machinery, Etc.		9,444- 2- 6.
	NET LOSS Transferred to Capital a/c.	5,599-15- 8.	
	Total. Rs.	1,04,160- 7-10.	1,04,160- 7-10.

MANGALORE, South Kanara,
Dated: 16th October, 1952.

For RAMAKANTHI TALKIES.

Proprietor.

PKM/-

47
59,

Balaji Talkies

EXHIBITORS MANGALORE

15th October 1952.

1. Average Income per month after payment of Entertainment Tax. Rs. 7,298- 0- 0.

2. Average Expenses per month. . . . . Rs. 6,765- 0- 0.

Average Balance: Profit. Rs. 533- 0- 0.

Interest on Capital Investment of Rs.76,422/- has not been accounted for.

3. Salary per month to be paid to the Employees as per Award. . . . . Rs. 650- 0- 0.

4. Salary per month to be paid to the Employees as per Agreement dated 18th September 1952. Rs. 545- 0- 0.

Difference. Rs. 105- 0- 0.

For BALAJI TALKIES.

Proprietor.

BALAJI TALKIES, MANGALORE, SOUTH KANARA. Enclosure E. 6/5/49

PROFIT AND LOSS ACCOUNT FOR THE YEAR ENDING 31ST DECEMBER 1951.

S.No.	Account Head.	LOSS.	PROFIT.
1.	By Ticket Sales.		1,07,188- 3- 6.
2.	" Slide Exhibition Charges.		606- 0- 0.
3.	" Stall Rent a/c.		480- 0- 0.
4.	" Assets & Liabilities Written off.	1,618-13- 9.	290- 2- 4.
5.	" Film Rent and Publicities.	52,314- 5- 8.	1,415- 1- 3.
6.	To Carbons a/c.	1,684-13- 6.	
7.	" Oils and Lubricants.	2- 0- 0.	
8.	" Electric Acc.& Energy Bills.	3,195-10- 6.	
9.	" Carts & Sundry Materials.	1,624- 0- 6.	
10.	" Salary a/c.	5,871- 5- 4.	
11.	" Rates & Taxes a/c.	257-11- 6.	
12.	" Advertisement Charges.	2,037- 8- 9.	
13.	" Trade Charges a/c.	850- 3- 0.	
14.	" Theatre Rent.	1,800- 0- 0.	
15.	" Bank Commission.	22- 3- 0.	
16.	" Repairs a/c.	105-10- 3.	
17.	" Freight & Forwarding Charges.	1,415- 7- 9.	
18.	" Representative Charges.	1,441- 8- 0.	
19.	" Sundry Expenses.	311- 6-10.	
20.	" ENTERTAINMENT TAX.	22,412-14- 6.	
21.	" Theatre Painting Etc.	450- 0- 0.	
22.	" Postage & Telegrams.	288- 6- 6.	
23.	" Telephone Charges.	747-14- 0.	
24.	" Stationery Charges.	217-15- 6.	
25.	" Printing & Press Pubs.	758-12- 9.	
26.	" Depreciation on Furniture, Plant and Machinery Etc.	4,154-14- 0.	
27.	" NET PROFIT Transferred to Capital a/c.	6,395-13- 6.	
	Total. Rs.	1,09,979- 7- 1.	1,09,979- 7- 1.

Mangalore, S.Kanara,
Dated: 16th Oct. 1952.

For BALAJI TALKIES.

Proprietor.

PKM/-

Enclosure 7.

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CENTRAL TALKIES,
MANGALORE.

STATEMENT OF ACCOUNT FOR THE YEAR ENDING 30th JUNE, 1952.

Expenditure.	Rs.	Income.	Rs.
Entertainment Tax.....	25,400	Gross Collections.	1,26,775
News Reel Rent.....	1,066	Stall Rent... ..	420
Share paid to Distributor	56,856	Slides Charges....	540
Representatives' Charges.	1,440		
Railway Freight.....	1,700		
Servicing & Carbon Charges.	3,960		
Salaries to Staff with one month's bonus...	10,712		
Advertisement Charges...	5,500		
Ground Rent Paid... ..	840		
Other Tax Paid... ...	1,230		
Postage & Telegrams etc.	480		
Electric Charges... ...	3,600		
Other Expenses(Printing,etc)	2,240		
Depreciation Allowed...	5,353		
	1,20,377		1,27,735

Profit for the year as per the above..... Rs. 7,358

Extra expenditure that would be incurred if Award is to implimented..... Rs. 5,640

Nett Profit.. 1,718

For Central Talkies.,

K.M.Kamath

Proprietor.

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The following Government Order is published:-

G.O. Ms No. 3531, Development, dated 12th August, 1952.

Read--the following papers:-

1

G.O. Ms. Nos. 989, 990, 991, 992 and 993, Development, dated 10th March, 1952.

11

BEFORE THE INDUSTRIAL TRIBUNAL, COIMBATORE.

Present:

Sri. T. S. VISWANATHA AYYAR, B.A., M.L.

Industrial Disputes Nos. 5, 6, 7, 8 and 9 of 1952.

(In the matter of the dispute between the workers and the managements of the Ramakanthi Talkies, Balaj Talkies, Central Talkies, Rupavani Talkies, and New Chitra Talkies, Mangalore. (Vide G.O. Ms. Nos. 989, 990, 991, 992 and 993, Development, dated 10th March 1952.)

Sri. Sanjeevanath, Secretary, South Indian Cinema Employee's Association, Mangalore, and Sri. Chandrasekhar, Treasurer, South Indian CinemamEmployee's Association, Mangalore--FOR THE WORKERS OF THE FIVE TALKIES.

Sri. Shivaji Rao, Proprietor, Balaj Talkies, Mangalore--FOR THE MANAGEMENT OF THE BALAJ TALKIES, MANGALORE.

Janardana Kamath, Proprietor, Central Talkies, Mangalore--FOR THE MANAGEMENT OF THE CENTRAL TALKIES, MANGALORE.

Sri. Rama Rao, Proprietor, Ramakanthi Talkies, Mangalore--FOR THE MANAGEMENT OF THE RAMAKANTHI TALKIES, MANGALORE.

Sri. Vittalkas Pai, Proprietor, Rupavani Talkies and New Chitra Talkies, Mangalore--FOR THE MANAGEMENTS OF THE RUPAVANI TALKIES AND NEW CHITRA TALKIES, MANGALORE.

Award.

By G.O. Ms. Nos. 989, 990, 991, 992 and 993, Development, dated 10th March 1952, the Government of Madras have referred to me for adjudication certain disputes between the workers and the managements of Ramakanthi Talkies, Balaj Talkies, Central Talkies, Rupavani Talkies and New Chitra Talkies in Mangalore.

2. Five of the points of disputes set out in the Annexures are the same and they are:-

(1) Revision of basic pay.
(2) Fixation of dearness allowance.
(3) Bonus for the year 1950-51.
(4) Provident Fund.
(5) Gratuity.

3. In I.D. No. 5 of 1952 relating to Ramakanthi Talkies, Mangalore, there is a dixth point of dispute, namely, whether the dismissal of the exployee Sri. Soans is justified.

4. After notices issued in the usual course, statements of demands and written statements were filed.

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5. The dispute relating to the dismissal of the employee Sri. Soans in Ramakanthi Talkies (I.D. No. 5 of 1952) was compromised between the parties on 12th May, 1952 and my predecessor passed an award which has been duly published in the FORT. ST. GEORGE GAZETTE, Madras.

6. The other five points of disputes which are common in all the cases were settled between the parties, and they filed a joint memorandum of agreement to-day. I considered the terms of that compromise to be fair, reasonable and proper. On that basis I recorded that compromise.

7. That compromise provide:-

" (1) DEARNESS ALLOWANCE:- That every worker is to be paid dearness allowance at the flat rate of Rs. 27- 8- 0 per month.

(2) BASIC PAY:- That the scales of pay for the workers shall be as follows:-

Chief operator--Rs. 70--2--90.
Assistant operators--Rs. 65--2--85.
Chief Booking clerk--Rs. 42½--1½--57½.
Other Booking clerks--Rs. 35--1--45.
Door keepers or ticket collectors (first class)--Rs. 40--1--50.
Door keepers or ticket collectors (others)--Rs. 30--1--45.
Watchmen--Rs. 26--1--41.
Scavangers and sweepers--Rs. 25--2--35.

No provision has been made for apprentices, as there is no apprentice who is now a member of the union.

If any worker is now drawing an amount which is in excess of the maximum scale of pay for his appointment plus dearness allowance of Rs. 27- 8- 0 per month, he will continue to draw what he is now drawing.

(3) PROVIDENT FUND:- The question of Provident Fund is by consent left open pending clarification of the position by the Government of India and Labour Appellate Tribunal.

(4) BONUS:- In I.D. Nos. 5, 6, 8, and 9 the workers will be given a bonus of one month basic wages as on 31st March, 1951for the year 1950-51.

(5) GRATUITY:- Workers who have put in more than 4 years of service, will get half a mongh's salary as gratuity for every year of service. They will not get gratuity, if they are convicted by a Criminal Court for offences involving moral turpitude.

(6) EFFECT:- This is to come into effect from 1st April, 1952.

(7) COSTS:- The parties will bear their respective costs.

(8) The above compromise may kindly be recorded and an award passed in terms thereof.

8. As the Central Talkies, Mangalore, have already paid one month's bonus to workers, provision was made in the above compromise only to payment of one month's bonus by the other four Talkies.

9. The sums of money made payable by the abovesaid compromise will be paid by the managements concerned within one month of the publication of this award in the FORT. ST. GEORGE'S GAZETTE, Madras.

10. Itw was conceded that no manage, assistant manager, engine driver or electrician is member of the South Indian Cinema Employees' Association, Mangalore, and therefore no provision need be made for them.

(P. T. O.)

11. There will be award in terms of the compromise set out above.

Dated at Mangalore, this 25th day of July, 1952.

(Sd.) T. S. VISWANATHA AYYAR,
Industrial Trinunal, Coimbatore.

ORDER:- No.3531, Development, Dated 12th August, 1952.

Whereas the award of the Industrial Tribunal, Coimbatore, in respect of the industrial disputes between the workers and the managements of Ramakanthi Talkies, Balaj Talkies, Central Talkies, Rupavani Talkies and New Chitra Talkies, Mangalore, has been received;

Now, therefore, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Governor of Madras directs that the award be published in the FORT. ST. GEORGE GAZETTE.

(Sd.) J. M. LOBO PRABHU,
Secretary to Government.

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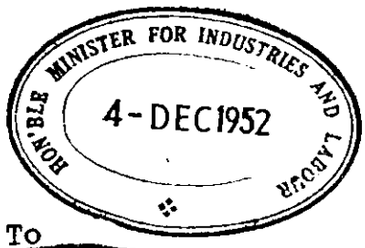
Mangalore, 29th November, 1952.



To

Honourable Minister for Industries,

Madras.

138867

From

The Proprietors of the Cinema Theatres,

Mangalore

Sir,

We enclose herewith the confirmation copy of the telegram dated 29th November, 1952. We would earnestly pray that you would sympathetically consider the points raised in the Memorandum, since, under the present set up, it would be impossible to implement the award, either for the past or future.

We beg to remain,

Yours faithfully,

Proprietor, New Chitra and Rupavani Talkies.

Proprietor, Ramakanti Talkies & Balaji Talkies

Proprietor, Central Talkie

Manager, Jyothi Talkies.

Dev. Dept

No action is called for on this letter. ~~Dev. Cr.'s reply to the endt. at p.11 ante may be awaited till~~ The C.L. may be reminded with ref. to the endt. in p. 11 ante. A draft memo is enclosed for approval.

EXPRESS

HONOURABLE MINISTER FOR INDUSTRIES

MADRAS

SUBMITTED	PERSONALLY	MEMORANDUM	DATED
16- 10- 52	ORDERS	UNRECEIVED	PRAY
EXPEDITE	POSITION	CRITICAL	

MANGALORE CINEMA EXHIBITORS

MINISTER FOR INDUSTRIES & LABOUR
DEC 1952

INVESTIGATORY
BUREAU
CERTIFICATES

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

22601 Dec Delhi

Home. U.O 39
137441 C.75

TELEGRAPH DEPARTMENT

29NOV52

225 C.

Class
Prefix } — Code —

Recd. from

By

Sent at — H. — M.

To

By

SECRETARY TO GOVERNMENT
Office Stamp
1 DEC 1952
DEVELOPMENT DEPARTMENT

Handed in at Office of Origin	Date	Hour	Minute	Service Instructions	Words
Madanapalle	28	12	15		22

TO

Honourable Minister
for Industries Madras

Informed formally over
dated 15/10/52 and
forms filled

Recd. here at 15 P. 40 M.

N. B.—The name of the Sender, if telegraphed, should be written after, but separated from the text.

The Swadesamitran Press, Madras—2—95,000 Bks—SE/PTG/BS—1—5—52.

Dev. U.O: 13744/R/52-1.
3.12.52

40
6/12/52

Home Dept.

Please see the telegram on p. labour. The memo. said to have been submd. by the petnr on 16.10.52 was not received in this Deptt. The request also is not clear. Health may be requested to say whether they have any papers on the subject.

PP 6/12/52 — PS 6/12/52

6/12/52 Health.

Home w.o. no. 226012. Pol. G/52-1 dt. 6.12.52

Health (T)

59799

The memorandum referred to overleaf has not been received in this Deptt either. Home may be informed accordingly

ASSISTANT SECRETARY 8 DEC 1952 HEALTH DEPARTMENT

229726

8/12/52

SAS 9/12/52 Home.

Health w.o. 59799/52-1 T dt. 5-12-52

~~41~~
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Home Dept.

Please see the telegram on p. 1/ above and the notes of this Dept. as well as that of Health Dept. on P. 2 above. ~~As~~ the memo. of 16.10.52 referred to by him has not been received either in this Dept. or in Health. ~~he may be asked to furnish a copy of it to~~ Also the name and address of the petr. have not been given in the telegram. So no action therefore can be taken on it. May therefore be dropped

P.1 ante

TD
12/12/52 12/12/52

(1) Are there any pending files relating to revenue receipts from South Kanara

(2) It is also possible that this relates to labour disputes between architects and contractors. Consult Dev. dept

TDB
22/12/52

P.T.O.

42
66 78

12

A.S.S. query (1) on p. 3 above: Subd. no.

(2) It is understood that ~~Draft~~ ~~Draft~~ ~~Letter~~ the memo. referred to at 'A' on p. 1 above was received in Devt. It may be ~~sent~~ sent to them. No.

TP 24/12/52

24/12/52

468 26/12/52 Dev.

Dev. Dept

The telegram at p. 39 ante is only a reminder to the memorandum at pp. 1–11 ante. No action is called for. The C.L.S. report on the matter is awaited by 25.1.53.

(Vide p. 3 of Pt. file)

30/12

30.12.52

-P1

I.D

Dev. 47031/47

Dev. Dept

226012 Pol V/52-2

of 26.12.52.

THIRD ASST. SECRETARY TO GOVERNMENT
30 DEC 1952
DEVELOPMENT DEPARTMENT

Tr. from 11

HON'BLE MINISTER FOR LABOUR 29 OCT 1952
SECRETARY TO GOVERNMENT 3 OCT 1952
SECRETARY TO GOVERNMENT DEVELOPMENT DEPARTMENT 31 OCT 1952

To

The Hon'ble Minister for Labour and Transport.

From

The South Kanara Branch of South Indian Cinema Employees' Association, MANGALORE.

122890

Hon'ble Sir,

Permit us to make the following representations and to that our just grievances and representations will be - speedily redressed:-

1. There were disputes between the members of our Association and the proprietors of some of the local Cinema Houses and the same was referred to the Industrial Tribunal, Coimbatore, - as I. D. Nos. 5, 6, 7, 8 & 9 of 1952 on the file of the said Court.

2. That when the Hon'ble Judge of the Industrial Tribunal came over to Mangalore, the matters in dispute were compromised between the parties, our members giving up a good deal of their claims in the interests of the compromise.

3. All the parties thereupon duly agreed to the said compromise and the judge of the Industrial Tribunal passed an Award thereon, which has been duly published in the Fort St. George Gazette, dated 23-8-1952, with a direction that the said Award should be implemented on or before the 20th of September, 1952.

4. We are extremely sorry to have to report that M/s Central Talkies alone have implemented the said Award fully, while M/s Balaji & Ramakanthal Talkies have only partially implemented the same; but the New Chitra and Bipavani Talkies have not at all implemented the same, but, on the other hand, have been - threatening the workers with victimisation, if they were to press for an implementation of the same.

5. We, therefore, humbly request you to use your good offices with the proprietors of the delinquent Cinema Proprietors to honour and implement the award.

6. We also request the Government that the above-said Award may be extended for one more year at least and the same may be communicated to us early.

We remain,
Sir,
on behalf of the South Kanara Branch
of the South India Cinema Employees'
Association,

Sanjeevanath Pillai
President, &
Secretary, S. K. Branch.

Dev. Dept

Endt. No. 122890. PD/52-1 dt. 4-11-52

Referred to the C.L. for remarks

To the C.L.
(with copy of petition)

ER II issued on 2.12.52
NMK. 17.12.52

ER issued on 28/12/52
NMK. 12/12/52
28.12.

South India Cinema Employees' Association.

Reg. No. 465.

(South Kanara Dist. Branch,)

ಸೌತ್ ಇಂಡಿಯಾ ಸಿನೆಮಾ ಎಂಪ್ಲೊಯಿಸ್ ಎಸೊಸಿಯೇಷನ್.

(ದ. ಕ. ಜಿಲ್ಲಾ ಶಾಖೆ, ಮಂಗಳೂರು.)

THE SOUTH INDIA CINEMA EMPLOYEES' ASSOCIATION. Branch Office, MANGALORE, S.K. REGD. NO. 465

1662581

Felix Pai Bazaar.
MANGALORE.
8-2-53.

The Secretary,
Development Department,
Government of Madras.

Sir,

Sub: Non-implementation of Award of the Industrial Tribunal on the Industrial Disputes 5, 6, 7, 8 and 9 of 1952 by the by the Cinemas Theatres in Mangalore, S.K.

Ref: Our memorandum to Labour Minister.

We regret to inform that out of five theatres only one theatre namely, Central Talkies implemented the Award until October 1952. Messrs. Balaji and Ramakanthi Talkies have patially implemented and Messrs. Rupavani and New-chitra Talkies have not yet implemented the Award at all. Thus the Award of the Industrial Tribunal has been openly violated by these theatres. We patiently awaited hoping that immediate action be taken against these theatres for their flagrant defiance to implement an Award

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82

arrival at after a compromise.

We urge in the interest of maintaining peace and x in the industry xxxxxxxx you may be pleased to issue immediate orders to take necessary action against the above-mentioned five talkies or manager

Yours sincerely,
Sanjeevinath
xxxx President

144
17/2

Please with enc.
17.2.53

Dev Dept.

Endt. no. 122890-PI/52-2 dated 17.2.53

Communicated to the C.L. (Copy today 18.2.53) in continuation of Endt no. 122890-PI/52-1 dated 11-11-52. He is requested to send this report on the matter expeditiously.

16253
16/2/53

16/2/53

Dispatch
Work with
in Plant

To
The C.L
(with a copy
Pp. 3-4 Enclo)

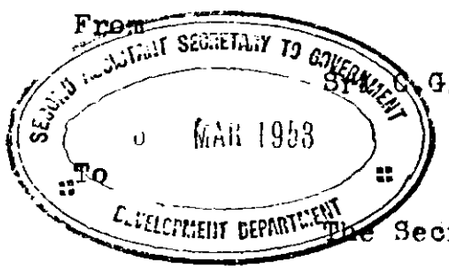
83
74

No. A4.76181/51. Office of the Commissioner of Labour, P.B.No.429, Madras. Dated 28-2-53.

25191

From

Sri C.G. Reddi, I.A.S.,
Commissioner of Labour, Madras.



To

The Secretary to Government,
Development Department,
Fort St. George, Madras.

Sir,

Sub: Labour - Disputes - Cinema Talkies in Mangalore - Award of the Industrial Tribunal, Coimbatore - Representations. p 67 ante

Ref: Government Endorsements No.122890- P1/52-1, 121968-P1/52-1, 122885-P1/52-1 and 119875-P1/52-1 dated 11-11-52. p 12 ante p 4 ante p 35 ante

p 67 ante

In their petition dated nil to the Minister for Labour, Madras, the President and the Secretary of the South Kanara Branch of the South Indian Cinema Employees' Association, Mangalore state that the managements of 4 cinema theatres in Mangalore did not give effect to the award but threatened the workers with victimisation if they were to press for implementation of the award. They request that the management may be ordered to implement the award. They further request that the period of the award may be extended by one more year.

p 1-4, 9-12 and 34-35 ante

2 In their petitions dated 5-10-52 and 16-10-52 to the Minister for Labour, Madras, the managements of Ramakanthi Talkies, Balaj Talkies, Central Talkies, Rupavani Talkies and New Chitra Talkies, Mangalore represented to Government that the Industrial Tribunal had passed an award without going into their accounts and that they were unable to implement the award, and that if they should be forced to implement the award, **the only alternative would be to close down the theatres.**

3 After implementing the award, it is open to the employers to apply to Government for a review of the award, alleging material changes since the passing of the award, which in this case is only based on the compromise of parties. Having agreed, it is not fair to go back on their own agreement and if necessary they could terminate the award after one year by giving notice. There is no provision in the Act for reducing the period of operation of the award although the Government could extend the period beyond one year. The only way to set aside the operation of the award is by proving the existence of material changes since the award has been passed, which has not been proved in this case. As the employers have not cared to implement the award in spite of repeated advices, they should be taught respect for law by prosecuting them.

A

4 In the circumstances, there is no case for intervention even in ordinary circumstances much less

B

78
84

when it is a compromise award.

The enclosures are returned herewith.

add in file

RR.2-3.

½ For Commissioner of Labour.

SOUTH INDIA CINEMA EMPLOYEES ASSOCIATION, SOUTH CANARA DISTRICT UNIT.

MANGALORE,
17th March 1953.

To
The Secretary,
Development Department,
Govt. of Madras,
MADRAS.

Sir,

Sub: Non-implementation of the Award by Theatre Owners of Mangalore - Request immediate intervention.

We regret to inform you that the owners of Cinema Theatres of Mangalore have failed to implement the award of the 2nd Industrial Tribunal, Coimbatore (Vide Award in I.D.Nos. 5, 6, 7, 8 & 9 of 1952) in spite of repeated representations. We also presented a Memorandum to the Hon'ble Minister for Labour on 16-10-1952 which did not bear fruit so far.

The non-implementation of the said Award by the Theatre Owners of Mangalore and the failure of the Government to take action on the said owners, have created apprehension amongst workers about the usefulness of awards being passed by 2nd Industrial Tribunals constituted by the Government. You will agree with us when we say that this is an unfortunate situation.

In the name of justice and fair-play and in the name of industrial peace, we request you to intervene in this dispute and direct the owners of Cinema Theatres of Mangalore to implement the said award in full without any further delay.

Thanking you,

Yours faithfully,
Sanjeevanath
President.

DEV.(P I) DEPT.

Memorandum No.119875 P I/53-5 Dated:- 15.4.53

Sub: LABOUR - Dispute - Dispute between the workers and the management of Cinema Talkies in Mangalore - Award of the Industrial Tribunal, Coimbatore - Representations Orders - Passed -

Ref: Letter No.76181/51 dated 28-2-1953 from the Commr. of Labour, Madras.

The Commr. of Labour is informed that the managements and the workers of the Balaji Talkies and the Ramakanthi Talkies have come to an agreement among themselves as to the rates of wages and bonus to be paid to the workers of these two Talkies and have submitted a written agreement setting forth the terms etc. to Government. In view of this written agreement between the parties, the Government have decided that no action need be taken against the managements of these two Talkies.

2. As regards the New Chitra Talkies and the Rupavani Talkies, the Government consider it sufficient if recovery of the amounts due to the workers, as per the award of the Industrial Tribunal, is made from the managements of these two Talkies. The Commissioner is accordingly requested to advise the President of the South India Cinema Employees' Association, South Kanara Branch to instruct the workers of these two Talkies to submit to the Government applications for the recovery of the amounts due to them under the award.

14/4/53

To

The Commr. of Labour, Madras.

P.T.O.

26
8875

Memorandum No.119875 P I/53-6, dated: 15/4/53

Sub: LABOUR - Disputes - Dispute between management and workers of the Cinema Talkies in Mangalore - Award of the Industrial Tribunal - Implementation -

Ref: Letter no.nil dated 17-3-1953 from the President, South India Cinema Employees' Association, South Kanara District Unit, Mangalore.

With reference to his letter cited the President of the South Indian Cinema Employees' Association (South Kanara District Branch) is informed that, as the managements and workers of the Balaji and Ramakanthi Talkies have come to an agreement as to the rates of wages and bonus to be paid to the workers the Government do not consider if necessary to take any further action ~~necessary~~ in respect of these two Talkies.

A on 14 MF

2. In respect of the New Chitra Talkies and the Rupavani Talkies, the Government will arrange for the recovery from the management of the amounts due to the workers under the award on receipt of applications for the amounts from the workers concerned.

B on 14 MF

15/4/53

To

The President
South India Cinema Employees Association, South Kanara District, Mangalore.

Copy to the Management of Ramakanthi & Balaji Talkies, Mangalore.

South India Cinema Employees' Association. 89

THE SOUTH INDIAN CINEMA EMPLOYEES' ASSOCIATION. Branch Office, MANGALORE S.K REGD.NO.465.

Reg. No. 103
(South Kanara Dist. Branch,)
ಇಂಡಿಯಾ ಸಿನೆಮಾ ಎಂಪ್ಲಾಯೀಸ್ ಅಸೋಸಿಯೇಷನ್.
(ದ. ಕ. ಜಿಲ್ಲಾ ಶಾಖೆ, ಮಂಗಳೂರು.)
Felix Pai Bazaar.
MANGALORE.

SECRETARIAT ASSISTANT SECRETARY TO GOVERNMENT DEVELOPMENT DEPARTMENT

Por Registered P.O. W.D. 22-4-53.

The Secretary,
Development Department,
Government of Madras,
Madras.

52371

Sir,

Sub. Disputes between the management and workers of Cinema Talkies in Mangalore-Award of the Industrial Tribunal-Non implementation by the Management of Ramakanthi and Balaji Talkies

Ref: your Memorandum No.119575 P.I./52-6 dated 15-4-53.

With reference to the above letter, we are very much surprised to note the contents. We are unable to concur with the opinion of the Government that it did not consider it necessary to take any further action in respect of the above referred talkies in view of an agreement arrived at between the workers and the management of the said talkies. We have made it clear in out

90

memorandum to the Hon..inister and to your good offices that the said agreement was effected without the workers having any full information of the terms known, and even after the alleged agreement the employees of the said talkies have filed petitions claiming their dues, as per the terms of the Award. Hence ~~making~~ the agreement do esnot stand as per the ~~sax~~ subsection 2(b) of section 7 of the Industrial Disputes (Apellate Tribunal) Act, 1950. Further the workers of the said talkies have filed their petetions as per Sec.20, subsection (1) of the same Act. Hence we urge that the petetions of the workers should be considered ~~as~~ enough to take necessary action against the management, and the contention of the management should be rejected. Further two employees of Ramakanthi Talkies ~~xxx~~ namely, K.K.Sundara. Z.M.Gopalkrishna (both employed as gate-keepers) were not a party to the said agreement and they stoutly refused to sign the alleged agreement despite all threatenings and cajolings. ~~xx~~ They too sent in their petetions. Hence they are fully entitled to receive the entire emoluments as

South India Cinema Employees' Association.

Reg. No. 465.

(South Kanara Dist. Branch,)

ಇಂಡಿಯಾ ಸಿನೆಮಾ ಎಂಪ್ಲೊಯಿಸ್ ಎಸೊಸಿಯೇಷನ್.

(ದ. ಕ. ಜಿಲ್ಲಾ ಶಾಖೆ, ಮಂಗಳೂರು.)

Felix Pai Bazaar,
MANGALORE.

THE SOUTH INDIA CINEMA EMPLOYEES' ASSOCIATION.
Branch Office. ಶಾಖೆ
MANGALORE, S.K
REGD.NO.465

per the terms and conditions of the Award. They are absolutely not a party to the said illegal Agrrement.

We therefore once again beseech you in the interest of maintaining industrial peace and create confidence among the workers as to the governments intentions of doing 'Justice and upholding their legitmate claims' earliest an ~~xxxxxxxx~~ order be passed to take immediate action against the management s of Ramakanthi and Balaji talkies.

Yours sincerely,
Sanjeevaraith.
president.

Copy to,

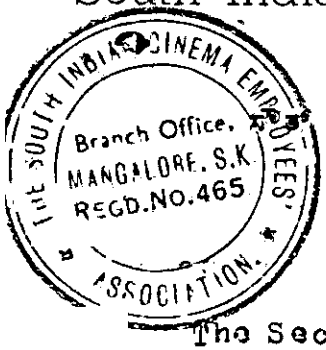
The Hon. Minister for Labour, Government of Madras

For information.

South India Cinema Employees' Association

Reg. No. 465.

(South Kanara Dist. Branch,)



ಸೌತ್ ಇಂಡಿಯಾ ಸಿನೆಮಾ ಎಂಪ್ಲೊಯೀಸ್ ಅಸೊಸಿಯೇಷನ್.

(ಸ. ಕ. ಜಿ. ಶಾಖೆ)

Felix Pai Bazaar.
MANGALORE.

22-4-53.

The Secretary,
Development Department
Government of Madras,
Madras.

52372

Sir,

Sub: Disputes between the Workers and the Managements of Central Talkies, Mangalore. Nonimplementation of the Award

Ref: The petetions by the workers sent to Labour Officeron 19-3-53.

With reference to the above we wish to point out that the menagement originally implemented the Award for ~~six~~ seven months and subsequently stopppel the implementation of the Award. Despite the interven tion of the Labour officer, the management refused to implement the terms of the Award further. Hence the workers had no other alternative except to file the petitions as per the sec 20(1) of the ~~xxxxxx~~ Industrial Dispute(Apellate Tribunal) Act, 1950. ~~Xx~~ Six months have been already passed, since they stopp

94

paying as per the terms of the award. We therefore urge you to be pleased to pass immediate orders to do the needful.

Yours sincerely,
Sanjeevanath
President.

Dw. Dept

Endt. No. 52371-PI/53-1 dated 6-5-53

Copy communicated to the C.L.

He is requested to expedite the submission of the claim petitions of the workers to the Govt.

To The C.L.
(with copy of app 1-6 ants)

Note After issue, the paper may be added to the Govt. at (Z)

Dev. Dept.

13/678

Cno. 85251-P1/52

Subj:— Labour — Disputes — Certain Cinema Talkies in Mangalore — Award.

p 1 y

Ref:— From the Ind. Tribunal, Coimbatore, Letts dt. 26.7.52

In March 1952, the disputes between the workers and the managements of the following 5 Cinema Talkies in Mangalore on 5 issues were referred for adjudication to the Ind. Tribunal, Coimbatore :—

p 1—2 y in (A)
p 2 y : (B)
p 2 y : (L)
p 2 y : (D)
p 2 y : (X)

(1) Ramakanthi Talkies.
(2) Balaj Talkies.
(3) Central Talkies.
(4) Ruparani Talkies.
(5) New Chitra Talkies.

p 2 y :- (A)

There was an additional issue in respect of Ramakanthi Talkies regarding the dismissal of one employee, namely, Sri Soans. and the Tribunal sent an award in May 1952 disposing of this issue. The award was published in the F.S.G. Gazette dated 4.6.52.

G.O 2332 30.5.52 at (K)

2. As regards the 5 issues which are common to all talkies, the parties entered into a settlement and filed a joint compromise memorandum before the Tribunal and the Tribunal has passed an award in terms of the said compromise. The managements concerned should pay the amounts due to the workers under this award within one month of the publication of the award in the Gazette.

para 9 in p 5 y

3. With ref. to Sec. 17 of the Ind. Disputes Act, the award may be published in the Gazette. No press release seems necessary in this case. A draft order and a draft memo are submitted for approval.

SECRETARY TO GOVERNMENT
9 AUG 1952
DEVELOPMENT DEPT.

8/8/52

6882
7/8/52

(Issued as G.O. 3531 Dev dt 12.8.52)

2/8/52

G O

5

Cno. 119875 PP/52 Sub:— Labour — Disputes — Cinema talkies in Mangalore — Award of the Ind. Tribunal, Coimbatore — Representation.

pp 1—4 ✓ Ref:—(1) Petition from the Balaji Talkies, Mangalore dated 5-10-52.

Extract of minute of M(I&L) on p 1 ✓

"Secy. Dev. Please put up papers.
U. K. Rao
11-10-52."

pp 9—12 ✓ (2) Petition from the Prop, Ramakanthi Talkies, Mangalore, dated 5-10-52.

Extract of minute of M(I&L) on p. 9 ✓

"Secy. Dev. Please put up papers.
U. K. Rao.
11-10-52"

pp. 25—35 ✓ (3) Petition from the Karnataka Theatres Ltd. & others, Mangalore, dated 16-10-52.

Extract of minute of M(I&L) on p. 25 ✓

"Secy. Dev. Please examine and put up papers..

U K. Rao.
30-10-52."

p 67 ✓ (4) Petition from the S.I.C. Employees Association, Mangalore, dated nil.

Extract of minute of M(I&L) on p. 67 ✓

Secy Dev. C.g.L. may look into this. Now it is 6 months. Must extend for one year.

UK Rao
29.10.52

p. 71 ✓ (5) Letter from the C.L. no A4-76181/51 dt 28.2.53

p 73 ✓ (6) From the South Indian Cinema Employees Assn dt 17-3-53 & Secy remarks thereon.

In July 1952, the Industrial Tribunal, Coimbatore, passed an award in the disputes relating to the cinema talkies in Mangalore, based on a compromise signed by both the parties and it was published in the Gazette dated 20-8-52.

Cno. 3521
12 8 53 - pp 2-4 - N

4

2. The South Indian Cinema Employees Association, South Kanara Branch, Mangalore, has represented that the managements of 4 cinema talkies, namely, Balaji Talkies, Ramakanthi Talkies, New Chitra Talkies and Rupavani Talkies, at Mangalore have not implemented the award and that they are threatening the workers with victimisation. If the latter press for implementation and requested that the managements maybe directed to implement the award and that the period of the award maybe extended by one more year. The managements of the 4 talkies have also represented that the Tribunal passed the award without going into their accounts, that they are unable to implement the award and that if they are forced to implement the same, the only alternative will be to close down the theatres.

para 4 is p. 67 of

para 5 is p 67 of

A * para 1 p 2 of

pp 1–4, 9–12 and 25–35 of

3. The Commr of Labour was consulted on the representations made by the Union and the managements and his report is at pp. 71–72 of. He states that it is not fair on the part of the managements to go back on their own agreement and that they can apply to the Govt for a review of the award alleging that there has been some material changes in the circumstances on which the award is based, after implementing the award. According to the first proviso to sec. 19(3) of the Ind. Disputes Act, 1947, the appropriate Govt. may reduce the period of operation of the award and fix such period as it thinks fit. The second proviso to the said Section gives power to the appropriat Govt to extend the period of operation of the award. But in this case there is no ground for reducing the period of operation since the managements, after having agreed to a

para 3 is p 71 of

* Act not found in ft

Compromise, I do not care for giving effect to the award. The Comm: considers that they cannot be taught respect for law by prosecuting them and that there is no case for intervention under ordinary circumstances. The Comm: is convinced that the accepted

'A' in p 71 q

'B' in p 71 q

~~by~~ settlement was based on mutual compromise between the parties

4. Now to the management may be asked to implement the award forthwith lest they should be liable for prosecution for an offence punishable under Sec. 29 of the Ind. Disputes Act, 1947 and the Commr. of Labour also may be asked to submit a report in the matter within one month. Further action against the managements may be taken if necessary on receipt of the C.L.S report. With ref: to the Employees Association's representation dated 17/3/53 para 2, the question of extending the period of the award from 2 years considered from Aug: 1951 to date of the award with increase of Rs 2/- per month per operative only in 1953 may be ~~considered~~ subject to orders, after discussion with the management and a draft memo to the Employees Association submitted for approval (to Rs 2/- to) may see with file to him minute extracted on plate

17/3/53

17/3/53

The file is somewhat clumsy and I think it would be better if I were to put up a note for your perusal.

What about the agreement of 15 (Weigh?) Have other mills signed the agreement to pay Rs 52 bonus?

Spoken to Secy
by
19/3/53.

6

With reference to Secretary's query on p.3 ante the case is precisely noted below:—

The Industrial Tribunal, Coimbatore, passed an award in the disputes relating to the 5 Cinema Talkies in Mangalore in terms of a mutual compromise entered into by the Proprietors on the one hand and the South India Cinema Employees' Association, Mangalore, on the other hand. The award was published in the Gazette dated 20-8-1952 and shall remain in operation for a period of one year in accordance with Section 19(3) of the Industrial Disputes Act, 1947.

2. In October 1952, the Employees Association represented that Messrs. Central Talkies alone had implemented the award in full, that Messrs. Balaji and Ramakanthi Talkies had only partially implemented the award and that Messrs. New Chitra and Rupavani Talkies had not at all implemented the award and requested the Government to see that the award was implemented by the Proprietors. All the Proprietors also represented that the Tribunal passed the award without going into their accounts, that they were unable to implement the award and if they were forced to implement the same, the only alternative would be to close down the theatres. Messrs. Balaji Talkies and Ramakanthi Talkies have, subsequent to the passing of the award, made an arrangement with their workmen in the form of an agreement according to which the workers would be paid wages and bonus at the rates laid down therein. The agreements are at pp. 5-7 cf. and 13-15 cf. The agreements do not contain all the terms of the compromise award. Therefore the said award cannot be deemed to have been merged in the agreements so far as the 2 theatres are concerned.

3. The Commr. of Labour was consulted on the representations made by the Proprietors and the Employees Association and his report is at pp 71-72 cf. He has considered that there is no case for intervention even in ordinary circumstances. But he has not stated anything about the so-called agreements entered into by

Messrs.Balaji Talkies and Ramakanthi Talkies with their employees. Apart from legal obligations, it is more a matter of policy than that of law to see that the employers are doing well with their workmen. So far as Balaji Talkies and Ramakanthi Talkies are concerned, they have agreed with their workmen to pay certain rates of wages and bonus in spite of the existence of a compromise entered into by the theatre owners with the South Indian Cinema Employees' Assn., Mangalore and recorded in the award of the Industrial Tribunal. So long as the relations between the parties are cordial, there will be no trouble and no need will arise on the part of Govt. to get the award implemented. But the South Indian Cinema Employees Association, Mangalore is strongly agitating for the implementation of the award in full. In connection with a similar case relating to certain rice and oil mills in Vijayawada, Legal Dept. have stated that there is nothing in the Industrial Disputes Act which prohibits the parties from varying the terms of an award by mutual agreement, that as the Act itself is intended to provide a ready machinery to bring about harmonious relationship between the employers and employees, such a course cannot be deemed to militate against the spirit of the enactment also and that the subsequent agreement cannot be declared as illegal. Mention has to be made in this connection that agreement in that case was entered into after the award ceased to be in operation.

4. Now the question is whether the so-called agreements can be deemed to be valid especially when they have been entered into between the two theatre owners and their employees concerned during the operation of the award presumably over the head of the Cinema Employees' Association which is the signatory to the compromise agreement before the Trfbunal. Before proceeding further, Legal may

8

perhaps be requested to state whether the agreements at pp 5-7 and 13-15 cf. can be deemed to be valid and whether, in view of such agreements, the award has become infructuous and inoperative in so far as the 2 talkies viz.Balaji Talkies and Ramakanthi Talkies, are concerned. For orders.

M

ASSISTANT SECRETARY
20 MAR 1953
LEGAL DEPARTMENT

Tw cc · 11987 Pt/82-3
20-3-83

Legal(Opinions) Department.

In Sugar Mills of Bihar vs. Workmen (1951) I M. L.L.J. 469, the Labour Appellate Tribunal at Calcutta held that the provision in section 19 of Central Act XIV of 1947 empowering Government to refer to a tribunal the question of cutting short the period of operation of an award already fixed by Government consequent upon a material change in circumstances, does not imply that in no other manner or on no other ground can the binding effect of the award be modified or nullified by a later tribunal. Referring to the rule of res judicata, the Appellate Tribunal has observed as follows:-

> "....we are of opinion that that rule should be applied to industrial disputes, for it may, and in most cases, would, come into conflict with the fundamental concept, namely, maintenance of industrial peace and promotion of harmonious relations between capital and labour with a view to achieve greater production. The relations between labour and capital must be regulated from time to time to attain those objects. In view of the provisions of section 18 of the Act, the rule of res judicata as known to civil law, if applied to industrial disputes would lead to stagnation and a feeling of frustration and so would create more unrest in the industrial sphere. In fact, it has been observed by a high authority "that principles of civil law concerning finality can be applied only after careful adaptation to the special needs of this branch of law." (I.L.O. publication on 'Conciliation and Arbitration in Industrial Disputes'). The rule of res judicata should not, therefore, be applied in industrial disputes."

The Appellate Tribunal ruled that a prior award can and ought to be reconsidered in a later award made on a reference if any ground is established which would be regarded as a good ground for reconsideration of a judgment pronounced by a Civil Court. The views set forth above reinforce the views expressed by this Department at page 7 n.f. of G.O.Ms.No.294, Development, dated 20-1-53, namely, that the Industrial Disputes Act does not prohibit the variation by mutual agreement between the parties of an award and that such variation cannot also be said to be repugnant to the spirit underlying the Act.

2. In the case of the 2 cinema theatres (namely, Balaji and Ramakanthi Talkies) it is reported that the workmen and the employers have come to an understanding and it has also been reduced to writing. It is rather doubtful whether, in view of this written agreement between the employers and the workmen and in view of what is stated in paragraph 1 above, action can be taken by Government in respect of those 2 talkies on the basis of the award of the Tribunal. It is pertinent to note here that the award itself was based on the compromise entered into between the parties.

3. Apparently, the managements of the New Chitra and Rupavani Talkies have not entered into any agreement with their workers in regard to the award. It is stated that they have not at all implemented the award. If so, they can be prosecuted under section 29 of the Industrial Disputes Act for failure to implement the terms of the award. Steps may also be taken for the recovery of all moneys due from the managements of the New Chitra and Rupavani talkies under the award in accordance with section 20 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (Central Act XLVIII of 1950).

4. With reference to A on page 3 ante, it may be pointed out that according to clause (6) of the compromise in parggraph 7 of the award in G.O.Ms.No. 3531, Development, dated 12-8-52, the compromise has retrospective effect from 1-4-52. Under section 17-A(3), it seems that the award should be deemed to have come into operation on 1-4-52, the date specified in the compromise recorded in the award; and under section 19(3), it will expire on 31-3-53. However, this point may be further examined by Development with reference to precedents, if any, bearing on it.

24/3/53 J.S.

ASSISTANT SECRETARY TO GOVERNMENT

Cr. 119875 Ex/62

Dw. Deptt

The typed note at pp. 4—6 ante and the Legal note at pp. 7—8 ante may be perused.

2. In view of what has been stated in para 2 at p. 8 ante, no action need be taken against the managements of Balaji and Ramakanthi Talkies who have entered into a written agreement with their workmen. For orders.

A

3. As regards the New Chitra and Rupavani Talkies, it is for orders whether the managements may be prosecuted under sec 29 of the Ind. Disputes Act, 1947, for the failure to implement the award and also whether the Union may be asked to advise the workers to apply to the Govt. for the recovery of the amounts due to them under the award.

B

4. The question of extending the period of the award has also to be considered now. The newly inserted sec. 17-A (3) of the Act provides :—

> "Subject to the provisions of sub-section (1) the award of a Tribunal shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall come into operation on the date when the award becomes enforceable under sub-section (1)."

According to clause (6) of the compromise recorded by the Tribunal, the award should be deemed to have come into effect from 1—4—52. Under sec. 19(3) of the Act,

19-1

an award shall remain in operation for a period of one year. Legal has stated the award in question will expire on 31-3-53. and left the point to be examined by this dept. with ref to precedents, if any, bearing on it. No precedent is available. Legal dept. has calculated the period one year from the date of retrospective effect. It seems that this view is not quite correct. Though the award has retrospective effect from 1-4-52, it will expire on 19-8-1953 i.e. after one year from the date of publication. It is for consideration whether this view will be maintained.

Sub sub-section (1) of S 17 A read with sub-section (3) of S 19 of the I.D. Act seem to indicate that the period of operation of the award shall be one year from the date of publication of the award under S 17 of the I.D. Act.

A.

Submitted for orders.

27/3/53 27/3/53

Legal may see & give opinion with reference to W'ship.

28/3/53 S. 28/3 Legal

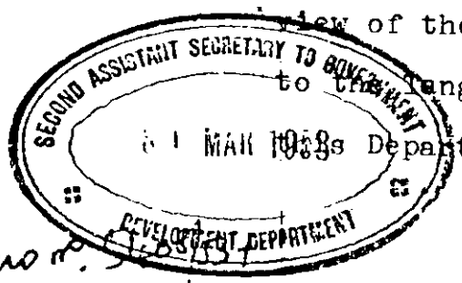
Legal (Opinions) Department.

Dis. No. 11875 PL/53-4

28-3-53.

According to section 19(3) an award shall remain in operation for a period of one year. An award cannot come into operation before it comes into existence, though it might affect a period prior to its coming into existence. See in this connection the decision in Roberts McLean & Co. Ltd. vs. A.T. Das Gupta and others [(1950) I M.L.J. 284]. Though the decision is not on all fours, the principle can well be applied here. So the award should be said to

have come into operation on, and to be in operation for a period of one year from 20-8-52. Though it might be said that there is no difference between the award taking effect and the award coming into operation and so the award should be deemed to expire on 31-3-53, in view of the above decision, it will not be doing violence to the language of the section to hold as indicated by Labour Department above.



Legal no. 38629

Dev (PI)

To As.

Legal Dept. note above may be perused.

They have agreed with the view of this Dept. that the award have come into operation on an 20-8-'52 and will be in operation for a period of one year from that date.

The file may now be circulated for orders

(i) whether no action need be taken against the managements of Balaji and Ramakanthi Talkies who have entered into agreement with their workmen;

(ii) whether the managements of the New Chitra and Rupavani Talkies may be prosecuted under Section 29 of the Industrial Disputes Act for failure to implement the award and also whether the ~~union~~ may be asked to advise the ~~workers~~ to apply to the Govt. for the recovery of the amounts due to them under the award

(iii) whether the period of the operation of the award will be extended by a further period of one year now or whether the question may be taken up later in June or July '53

14

SUMMARISING NOTE

This file deals with the question of implementation of the award of the Industrial Tribunal, Coimbatore published with G.O.No.3531, Dev.d/12-8-1951 ~~in respect of~~ by the following five theatres in Mangalore.

(1) Central Talkies;

(2) Balaji Talkies;

(3) Ramakanthi Talkies;

(4) New Chitra Talkies;

(5) Rupavani Talkies.

Of the above, Central Talkies had implemented the award in full. No action is necessary in regard to this theatre. Messrs. Balaji & Ramakanthi Talkies have only partially implemented the award. Subsequent to the passing of the award they have made an arrangement with their workmen in the form of an agreement according to which the workers would be paid wages and bonus at the rates stated therein. The agreements are at pp 5-7 cf. and 13 to 15 cf. New Chitra & Rupavani talkies had not at all implemented the award. The South Kanara Branch of the South Indian Cinema Employees Union has pressed for the implementation of the award. The Proprietors have represented that the Tribunal passed the award without looking into the accounts, that they are unable to implement the award and if they are forced to implement the award, they have no alternative but to close down the theatres. The Commissioner of Labour who was consulted on the representations of the Union and managements had reported that that it is not fair on the part of the managements to go back on their own agreement on the basis of which the award was passed and that they can apply for review of the award, after implementing it, on the ground of material changes in the circumstances on which the award is based. The Commissioner has also stated that the theatre owners should be taught respect for law by prosecuting them and that there is no case for intervention even in ordinary circumstances.

Para 1 on page 8 ante

Legal Deptt. have stated that Balaji and Ramakanthi Talkies have come to an understanding with their workmen in ~~xxx~~ writing and that in view of the written agreement, it is doubtful ~~whether~~ whether action can be taken by the Government in respect of these two talkies on the basis of the award of the tribunal. In view of the opinion of Legal Dept, ~~no action~~ it is proposed ~~to be~~ that no action need be taken against these two theatres who ~~have~~ have entered into written agreement with their workmen.

A on page 9 ante

Para 3 on page 8 ante

In regard to New Chitra and Rupavani Talkies who have not implemented the award, Legal have stated that they can be prosecuted under section 29 of the Industrial Disputes Act for failure to implement the terms of the award and that steps may also be taken for the recovery of the moneys due from the managements of New Chitra and Rupavani Talkies under the award in accordance with section 20 of the Industrial Disputes (Appellate Tribunal Act) Act 1950 It is proposed to take action accordingly in these cases.

B on page 9 ante

The file may now be circulated for orders

(i) whether no action need be taken against the managements of Balaji and Ramakanthi Talkies who have entered into agreement with their workmen;

Para 2 on page 8 & A on page 10 ante

(ii) whether the managements of the New Chitra and Rupavani Talkies may be prosecuted under Section 29 of the Industrial Disputes Act for failure to implement the award and also whether the Commr. of Labour may be asked to advise the union to instruct the workers ~~xxxxxxx~~ concerned to apply to the Govt. for the recovery of the amounts due to them under the award under Section 20 of the Industrial Disputes (Appellate Tribunal) Act 1950.

Para 3 on page 8 ante & B on page 9 ante.

6/4/83.

16 119875 PI 26/7/4

I may agree to ①. I f
In respect of ②, it will be sufficient, if recovery of the amounts due is ordered. If this fails, prosecution can be considered

V. Venkatachar
7/4

I (I & L) I agree to suggestions of Secy. Development, though I doubt if without ② anything will be recovered

K. Krishnaraja
8/4/53

With reference to orders circulated, two draft memoranda, one to the C.G.I. and the other to the Peasants & the South India Coffee Employees' Association, are submitted for approval. Copy of para 1 of the draft memo to the union mentioned above sent to the management of Balaji & Ramakant Talkies.

9/4/53 h
9/4/53

L. Jules 53

SECRETARY TO GOVERNMENT
8 APR 1958
DEVELOPMENT DEPARTMENT

DEPUTY SECRETARY TO GOVERNMENT
8 APR 1953
DEVELOPMENT DEPARTMENT

(Issued as Memo No. 119875 PI/52-5 dt 15/4/53)
(Issued as Memo No. 119875 PI/52-6 dt 15/4/53)